

COREY J. OSBORNE vs WAL-MART STORES EAST

Corey J. Osborne on 11/18/2021

Confidential

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF VIRGINIA
3 LYNCHBURG DIVISION

4 _____
5 COREY J. OSBORNE,
6 Plaintiff,
7 v. Civil Action No.
8 WAL-MART STORES EAST, LP, et al., 6:20-cv-0079-NKM
9 Defendants.

10 _____

11 CONFIDENTIAL

12 VIDEOCONFERENCE DEPOSITION OF

13 COREY J. OSBORNE

14 DATE: Thursday, November 18, 2021
15 TIME: 1:29 p.m.
16 LOCATION: Remote Proceeding
17 James River Legal Associates
18 7601 Timberlake Road
19 Lynchburg, VA 24502

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1 A P P E A R A N C E S

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By Ms. Ingle

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By Mr. Valois

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NO.

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Corey J. Osborne's Answers to
Interrogatories

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Was skipped in proceeding

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1 P R O C E E D I N G S

2 WHEREUPON,

3 COREY J. OSBORNE,

4 called as a witness, and having been first duly sworn
5 to tell the truth, the whole truth and nothing but the
6 truth, was examined and testified as follows:

7 EXAMINATION

8 BY MS. INGLE:

9 Q Good afternoon, Mr. Osborne. My name is
10 Bethany Ingle I represent Wal-Mart in the lawsuit that
11 you have filed against them. I'm going to be asking
12 you a series of questions here today. I'm sure you've
13 talked to your attorney about the process a little
14 bit, but I just did want to go over some of the ground
15 rules. First, could you state your name for the
16 record?

17 A Corey Osborne.

18 Q Do you have a middle name?

19 A Corey Jamiel Osborne.

20 Q Okay. And how do you spell, "Corey?"

21 A C-O-R-E-Y.

22 Q How do you spell your last -- I'm sorry,
23 your middle name?

24 A J-A-M-I-E-L.

25 Q And how do you spell your last name?

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1 A O-S-B-O-R-N-E.

2 Q Thank you. And have you ever gone by any
3 other names?

4 A No, ma'am.

5 Q Have you ever had your deposition taken
6 before?

7 A Probably with other cases for, like,
8 shoplifting, but -- for anything outside of work, no.

9 Q Okay. So you think you've had one taken
10 before for a shoplifting case?

11 A Yes.

12 Q Okay. And are you questioned by an attorney
13 before you actually had to testify in court?

14 A No. I just -- I testified in court.

15 Q Okay. Okay. So I'm sure you've been told
16 this by your attorney, but -- and you understand the
17 process of having to raise your right hand, swear to
18 tell the truth, the whole truth, and nothing but the
19 truth, so it's similar to being in court. You're
20 under oath, just like you would be in court and, just
21 like if you were in court, it's important that we
22 don't talk over one another, because there's a court
23 reporter, and she needs to hear every word I say as
24 well as every word you say, so that she can make a
25 transcript of what we say for the record. I'm sure

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1 they did that sometimes when you testified in court
2 for shoplifting cases. That may very well have
3 happened. So you -- you know the process pretty well,
4 then, I'm sure. Also, too, you will need to give
5 verbal answers to all the questions. You know, I see
6 you nodding your head and that's fine for now. I
7 haven't really asked you a question, but if I ask you
8 a question, you'll need to say, "Yes," or "No," or
9 give a verbal rather than, you know, make a gesture or
10 nod your head, because the court reporter won't
11 necessarily record that and put that in the
12 transcript.

13 If you don't understand something I've asked,
14 just ask me to clarify. I'll rephrase. If you think
15 I'm going too fast, just let me know. I can slow
16 down. You know, if there's any reason you need to
17 take a break, let us know. We'll go off the record.
18 I just suggest that if there's a question pending,
19 please do answer the question before we go off the
20 break -- or go off the record and take a break.

21 But are you on any medications today that could
22 impair your ability to remember?

23 A No.

24 Q Do you have any medical conditions that
25 could impair your ability to understand my questions

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1 or remember?

2 A No.

3 Q Did you review any documents to prepare for
4 your deposition today?

5 A Yes.

6 Q What did you review?

7 A The video.

8 Q Okay. And were those videos of events that
9 occurred at Wal-Mart?

10 A Two of them, I guess, yes. They all
11 occurred at Wal-Mart. Two of the videos, I don't
12 understand why they recorded, but they was on the
13 actual thing that I marked.

14 Q So, it's two of the videos that -- you
15 believe that the videos were produced by Wal-Mart --

16 A Yes.

17 Q -- as discovery in this case?

18 A Yes.

19 Q And besides the videos, did you review any
20 other items to prepare for the deposition?

21 A No.

22 Q And besides your attorney, did you discuss
23 the deposition with anyone before today?

24 A No.

25 Q Besides your attorney have you discussed the

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1 case with anyone?

2 A My wife.

3 Q So, where do you currently live? What's
4 your address?

5 A It's 246 Sherbrooke Drive, Lynchburg,
6 Virginia, 24502.

7 Q How long have you lived at that address?

8 A Since February, 2019.

9 Q So, where did you live before that house?

10 A 64 Maybrook Drive, Lynchburg, Virginia,
11 24502.

12 Q How long have you lived in Lynchburg?

13 A Basically, all my life since I got home from
14 the military.

15 Q And were you living in Lynchburg before you
16 joined the military?

17 A Madison Heights.

18 Q So are you from Madison Heights?

19 A Yes, ma'am.

20 Q And who do you live with at your current
21 address?

22 A My wife, Tiffany Osborne, and my three
23 children; Aaliyah, Caleb and Eric.

24 Q Now, are your three children, are they all
25 under the age of 18?

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1 A No. Just two of them are.

2 Q And what are your children's ages?

3 A Aaliyah is 20, Caleb is 17, and Eric is 13.

4 Q And is your oldest child -- is she employed?

5 A She goes to school full-time.

6 Q And is your wife employed?

7 A She owns her own daycare.

8 Q What's your date of birth?

9 A Excuse me?

10 Q What's your date of birth?

11 A September 17, 1973.

12 Q And you mentioned that you're currently

13 married. Have you ever been married before? Have you

14 just been married once?

15 A No. Just once.

16 Q What's the highest level of education you've

17 obtained?

18 A Got some college. So, basically, like a

19 Associate's degree.

20 Q Where did you get that from?

21 A Liberty University.

22 Q And what's your degree in?

23 A Criminal justice.

24 Q And did you get that degree?

25 A No, ma'am. I didn't finish.

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1 Q Okay. What's your current -- or what are
2 your current sources of income?

3 A I work for a security company out of
4 Waynesboro, Virginia.

5 Q What's the company called?

6 A Arrow Solutions, LTD.

7 Q What do you do at Arrow Solutions?

8 A I am the Security Manager.

9 Q How long have you worked for Arrow
10 Solutions?

11 A Since July the 27th of this year.

12 Q And you already said this, the Security
13 Manager --

14 A No, ma'am. I just got -- I just got
15 promoted to Security Manager.

16 Q -- congratulations.

17 A Thank you.

18 Q What was your role when you initially
19 started working for Arrow Solutions?

20 A Initial, I was a Shift Supervisor.

21 Q How much did you earn as a Shift Supervisor?

22 A I was making \$20.00 an hour.

23 Q How much do you make now as a Security
24 Manager?

25 A \$30.00 an hour.

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1 Q You mentioned you were recently promoted.

2 When did you get your promotion?

3 A This past Monday, started.

4 Q That would have been November 15th?

5 A 15th. Yes, ma'am.

6 Q And what are your job duties as Security
7 Manager at Arrow Solutions?

8 A I am to go out and get contracts for the
9 company, all sites. I am the Manager of all security
10 sites. So, if they need any kind of equipment,
11 vehicle maintenance, if somebody calls out I have to
12 replace them on the shift -- try to find people to
13 replace them. So, I basically run the whole security
14 department.

15 Q And so, you mentioned there were different
16 sites. Does Arrow Solutions provide security to
17 different businesses?

18 A Yes, ma'am. Right now, just in Lynchburg,
19 we have one site. It is called James Crossing, but
20 they have other sites in Waynesboro, and one in
21 Charlottesville.

22 Q Okay. And what types of businesses are
23 these sites?

24 A One of them's a school and the rest of them
25 are apartment complexes, and they usually are Housing

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1 Authority complexes; low income families.

2 Q And how many people would you say you
3 supervise as a Security Manager?

4 A There's about 17 or maybe 20.

5 Q When you were Shift Supervisor, about how
6 many people did you supervise in that role?

7 A One.

8 Q Other than this lawsuit against Wal-Mart,
9 have you ever filed any other lawsuits?

10 A No.

11 Q Have you ever been a party to a lawsuit?

12 A No.

13 Q Bear with me. I'm going to share my screen
14 here -- share this document in the chat feature. You
15 all see my screen?

16 A Yes, ma'am.

17 Q Mr. Osborne, do you recognize this document
18 as your Answers to Interrogatories?

19 A Yes, ma'am.

20 MS. INGLE: Enter this is Exhibit 1.

21 (Exhibit 1 was marked for
22 identification.)

23 MS. INGLE: Okay. Mr. Osborne, I'm
24 going to scroll. Okay. Here we -- jump to the answer
25 you gave for number 12. We asked if you had ever been

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1 party in a lawsuit or other judicial proceeding, other
2 than the present matter, and to list those lawsuits or
3 proceedings, whether you had been plaintiff or
4 defendant, and the general nature of the action.
5 There were some unlawful detainer actions here.

6 BY MS. INGLE:

7 **Q Do you recognize these case numbers listed**
8 **here?**

9 A I don't recognize the case numbers. I do -
10 knew that I did have a few unlawful detainers where
11 they were dismissed.

12 **Q Okay. So you believe these are cases that**
13 **were filed against you, it looks like?**

14 A Yeah. It was for rent being late and then,
15 when I went to court and everything, you know, they
16 threw it out of court because the rent was caught up.

17 **Q Okay. And then, also to -- there are some**
18 **warrants and get listed. Do you know what these are**
19 **in reference to?**

20 A I think it was the same thing. And when we
21 moved, one of them was -- I was in a car accident and
22 we moved and I was unable to work. So I had -- I was
23 late with the rent and they did that, and they get a
24 warrant for the debt that was received, because it
25 wasn't -- the rent wasn't paid still on time.

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1 Q Okay. You mentioned something about before
2 you moved, you were in a car accident. Was that in
3 2019?

4 A No. It was before then. I think it was
5 2012 or '11, I believe.

6 Q Okay. So, did you bring a lawsuit against
7 the driver of the other vehicle or was there any legal
8 action as a result of that accident?

9 A It was -- what happened? We did have to go
10 to court. He paid for the damages and then, I guess,
11 for the injuries that we had. And then -- what? We
12 did have a lawyer for that. Randall Trost was the
13 lawyer. But we --

14 Q Then you said, you were injured and couldn't
15 work. How were you injured?

16 A -- it was just back problems. We got rear
17 ended, but we never actually went to, like, court, you
18 know, like, testified or anything like that. I talked
19 to Mr. Trost. He did this, did that and -- because my
20 son was in the vehicles as well, and he basically come
21 back saying, "This is what we get. This is -- this
22 and the other," and then, of course, you know, he gets
23 his cut out of it.

24 Q So you got a settlement out of it. Is that
25 what's your understanding was?

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1 A Yeah. I guess that's what you call it. It
2 wasn't much, but yeah, a settlement.

3 Q Okay. And did you continue to have any
4 problems with your back after that accident?

5 A Not as terrible. I did have -- continued to
6 have problems, but eventually they, I guess, say they
7 worked its way out. I had to go to -- metaphysical,
8 but there's some kind of like, deep tissue massage,
9 and then, some kind of electric shocks on my back and
10 then, did that for maybe about, I want to say maybe,
11 two or three months.

12 Q And you said you were unable to work for
13 some time after the accident. Do you recall how long
14 that was?

15 A Probably, about 30 days.

16 Q And what were you working in at the time?
17 What was your job at the time?

18 A Asset Protection for Kmart.

19 Q And since that accident that -- it just
20 sounds like you received a settlement in and these
21 actions listed here in response to your answer to
22 Interrogatory 12. Can you think of any other legal
23 actions you may have been involved in besides this
24 particular lawsuit?

25 A No, ma'am.

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1 Q Have you ever filed a charge of
2 discrimination against any other employers, besides
3 Wal-Mart?

4 A No, ma'am.

5 Q What about workers' compensation claims?
6 Have you ever felt any of those?

7 A No, ma'am.

8 Q And I understand working in asset
9 protection, you've likely been a witness in legal
10 actions several times. Is that accurate to say?

11 A Yes.

12 Q And did you do that both for Kmart and Wal-
13 Mart?

14 A Yes, ma'am.

15 Q Are there any other businesses where you
16 worked in asset protection?

17 A No, ma'am.

18 Q And have you ever filed for bankruptcy?

19 A No, ma'am.

20 Q Have you ever been convicted of a crime?

21 A No ma'am.

22 Q Document. Mr. Osborne, can you see this
23 document on the screen?

24 A Yes, ma'am.

25 Q And is this a resume that you may have

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1 **submitted to Wal-Mart?**

2 A Mm-hmm.

3 Q **Is that a, "Yes?"**

4 A I believe it is. Yes.

5 MS. INGLE: If we could mark this as
6 Exhibit 2.

7 (Exhibit 2 was marked for
8 identification.)

9 MR. VALOIS: Did the other exhibit --
10 marked as marked?

11 BY MS. INGLE:

12 Q **Mr. Osborne, I see that you were in the**
13 **United States Army, beginning in 1992?**

14 A Yes, ma'am.

15 Q **How old were you when you enlisted in the**
16 **Army?**

17 A Just turned 18.

18 Q **Okay. And you served for six years? Is**
19 **that correct?**

20 A It was Army, then the National Guard.

21 Q **And were you stationed anywhere during your**
22 **service in the Army?**

23 A Fort Benning, Georgia.

24 Q **And how long were you in Fort Benning?**

25 A For about three -- about two years.

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1 Q And, beside Fort Benning, did you ever move
2 anywhere else when you were in the Army?

3 A No. No, ma'am.

4 Q How long did you remain in the National
5 Guard?

6 A Until August of 1998.

7 Q And I see it looks like you started working
8 at the River Ridge Mall Security after that. Is that
9 correct?

10 A Yes, ma'am.

11 Q And is it correct that you worked as the
12 Assistant Director of Security in that position?

13 A I start -- I started as a regular Security
14 Officer and, when I left there, I was Assistant
15 Director.

16 Q And you worked there for approximately five
17 years?

18 A Yes, ma'am.

19 Q Is that accurate?

20 A Yes, ma'am.

21 Q Where is the River Ridge Mall?

22 A It's here in Lynchburg. It's 3405 Candler's
23 Mountain Road.

24 Q Then, I see you -- you became a correctional
25 officer? Is that correct?

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1 A Yes, ma'am.

2 Q You were at the Blue Ridge Regional Jail.

3 A Yes, ma'am.

4 Q And did you have to go through any special
5 training to become a correctional officer?

6 A Yes, ma'am. You had to go through the
7 Academy for Basic Jailer.

8 Q And how long did that training last?

9 A It was four months.

10 Q And why did you leave your position as a
11 correctional officer?

12 A Conflict of interest.

13 Q What was the conflict of interest?

14 A What they -- said that I did a round that I
15 didn't do. When they -- they called me down to the
16 intake and when I was down there, the other officer
17 marked me down is doing a round, and I wasn't there to
18 do a round. So they questioned me about it and I told
19 them, and then, the Lieutenant was like, "Well, you
20 wrote it in," and I'm like, "No, I was down in
21 intake." So I've resigned from jail.

22 Q Did they threaten to terminate your
23 employment before you resigned?

24 A Yes.

25 Q Did you receive any sort of severance or

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1 settlement as a result of your resignation?

2 A No.

3 Q And then, I see that you worked as a paper
4 carrier. Is that correct?

5 A Yes.

6 Q Then you started working in loss prevention
7 for Kmart. Is that accurate?

8 A Yes, ma'am.

9 Q And what was your job title when you worked
10 at Kmart?

11 A Just a Loss Prevention Associate.

12 Q So, what were your job duties as a Loss
13 Prevention Associate at Kmart?

14 A Apprehend shoplifters; I was also in charge
15 of the inspection of the fire extinguishers. I
16 monitored the cameras. And that was pretty much it.
17 Like I said, apprehend shoplifters, monitor the
18 cameras. I was in charge of all fire extinguishers;
19 make sure they would get -- they were certified and
20 still -- in good working conditions.

21 Q So, when you said you were responsible for
22 apprehending shoplifters, did you receive training on
23 that topic at Kmart?

24 A Yes.

25 Q And did they have particular rules about who

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1 could apprehend shoplifters?

2 A Yes.

3 Q Did they have particular rules about what
4 you must observe before you could apprehend a
5 shoplifter?

6 A Yes.

7 Q And so why did you leave the loss prevention
8 position at Kmart?

9 A Because they went from part -- full-time to
10 part-time.

11 Q And is that Kmart still in operation? Is it
12 still open?

13 A No, ma'am.

14 Q I see that you work, as well, for Sweet
15 Briar College as a Safety Officer. Is that correct?

16 A Yes, ma'am.

17 Q And was that full-time employment?

18 A Yes, ma'am.

19 Q What were your duties as a Safety Officer at
20 Sweet Briar College?

21 A Enforce all rules and regulations, perimeter
22 checks, vehicle patrol, safety, fire extinguisher
23 inspections, escorts, and monitor the entryway of the
24 college.

25 Q And then, I see, it looks like you went from

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1 **there to Randolph College. Is that correct?**

2 A Yes, ma'am.

3 Q **And you were a Safety Officer there as well?**

4 A Yes, ma'am.

5 Q **Now, were your job duties any different at**
6 **Randolph College than they had been at Sweetbriar**
7 **College?**

8 A No. It was the same.

9 Q **So, when did you start working for Wal-Mart?**

10 A November the 14th, 2017.

11 Q **And how did you come to learn about the job**
12 **opportunity at Wal-Mart?**

13 A They somehow got my number and contacted me.
14 And then, they asked me -- the manager at the time,
15 Mike Berry, was a -- was a friend of mine. He was the
16 Loss Prevention Manager for Macy's at the mall. So I
17 knew him from there, plus, we both went to the same
18 high school. So I knew Mike Berry for a long time. I
19 guess that's how they got in contact, because me and
20 Mike were friends on Facebook, and they contacted me
21 and said, "Hey, we had a position for you out in the
22 Wal-Mart, if you are interested. And they said, you
23 know, send a resume. So, I filled out the
24 application, sent the resume, and then, James Hornsby
25 and Mike Berry called me in for interview. And then,

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1 they hired me that day where I had the interview.

2 Q And what was James Hornsby's position?

3 A He was Store Manager at the time.

4 Q And then, Mike Berry, who you were already
5 friends with at the time --

6 A Mm-hmm.

7 Q -- and he was at Wal-Mart?

8 A He was the -- yeah. He was the Asset
9 Protection Manager of Wal-Mart.

10 Q And what was store number was this that you
11 came to work for?

12 A What is the stupid number? I want to say,
13 1305. I'm not sure. I think that's the store number.

14 Q And so, you were you were hired as an Asset
15 Protection Associate. Is that correct?

16 A Yes, ma'am.

17 Q And you always worked at the same store
18 location in the time you worked at Wal-Mart, correct?

19 A Yes. Yes, ma'am.

20 Q And what were your job duties as an Asset
21 Protection Associate?

22 A Apprehend shoplifters. I was in charge of
23 the emergency doors, the emergency lights, the fire
24 extinguishers, review any kind of footage on the
25 cameras of the Managers or LPD, and that's pretty much

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1 the same, like, Kmart.

2 Q Okay. So it was really -- you think it was
3 the same as Kmart?

4 A Yeah.

5 Q Another document on this. I'll share it in
6 the chat feature as well. Are you able to see this
7 document?

8 A Yes.

9 Q Were you given a job description like this
10 when you started working for Wal-Mart? I can make the
11 font bigger if that helps.

12 A Yeah. Yeah. Yes.

13 Q I know this is a pretty long list of duties
14 here. Do you think this accurately describes the
15 duties performed as an Asset Protection Associate at
16 Wal-Mart?

17 A Yeah, and more.

18 Q Okay. And who is your direct supervisor
19 when you work as an Asset Protection Associate?

20 A And Wal-Mart or Kmart?

21 Q Oh, at Wal-Mart.

22 A It was Mike Berry.

23 Q Now, I note on the job description, it talks
24 about complying with company policies, procedures,
25 standards of ethics and integrity. Were Asset

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1 **Protection Associates responsible for ensuring**
2 **compliance with what's called an AP-09 policy at Wal-**
3 **Mart?**

4 A Mm-hmm. Yes.

5 Q **Is that a, "Yes?"**

6 A Yes.

7 Q **And so, what is AP-09?**

8 A Basically, it's like the rules that a Asset
9 Protection Associate had to go by. The -- your steps
10 and getting your shoplifters, your boundaries, and you
11 know, make sure the price range of everything that you
12 actually prosecute for, when can you call the police,
13 how long you can detain them, so forth and so on.

14 Q **The policy then cover steps you take to**
15 **investigate shoplifting?**

16 A Yes.

17 Q **And detaining shoplifters?**

18 A Yes.

19 Q **Does it talk about when you can approach**
20 **somebody that you suspect is shoplifting?**

21 A Mm-hmm.

22 Q **Is that a, "Yes?"**

23 A Yes.

24 Q **And does it define who at Wal-Mart -- which**
25 **Associates at Wal-Mart are essentially allowed to**

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1 **approach or apprehend shoplifters?**

2 A Yes. The only ones that could approach any
3 shoplifters and actually apprehend them, was only the
4 AP Department. It stated, if I'm not -- well, I was
5 told that any Associate can do a receipt check. We
6 could not do that, because if we do a receipt check
7 it's saying, like, we actually stopping them for a
8 shoplift.

9 Q Okay. So, was it your understanding a
10 **receipt check is not actually a apprehension or**
11 **detention of a shoplifter?**

12 A Yeah. That's -- the shoplifter has to
13 actually have the merchandise on them. We have to
14 keep 100 percent observation of them. If somebody --
15 if a Associate comes up to me and say, "This girl put
16 this in her purse," there's nothing I can do about it,
17 because I did not see it. I got to maintain 100
18 percent observation of her selecting it, concealing
19 it, going past the last point of sales.

20 Q So, somebody could come up to you and say,
21 **"Hey, I think this person might be shoplifting," and**
22 **then, you could go watch the person, but unless you**
23 **actually see them taking something, concealing it,**
24 **and --**

25 A Yeah. Yes. I cannot stop. Yeah. I cannot

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1 stop.

2 Q -- okay. So, you have to witness it. If
3 you go to court --

4 A Yeah -- exactly.

5 Q -- the attorney is going to say, "Well, you
6 didn't actually see it. Did you?"

7 A Exactly.

8 MR. VALOIS: Objection to form.

9 MS. INGLE: I used to be a public
10 defender, by the way. I used to defend so many
11 shoplifting cases. I'll show you another document
12 here. I put it in chat feature, as well.

13 BY MS. INGLE:

14 Q Okay. Can you see my screen now?

15 A Yes.

16 Q Okay. Does this look like the AP-09 policy
17 or a version of it?

18 A A version of it. It is newer than what we
19 had.

20 Q Was it made available in different formats?

21 A And -- yeah. Yeah. It was -- basically,
22 the one we had was hanging up in the office, it was
23 Xerox copy, but it's -- it didn't -- it was in a
24 different format.

25 Q Did you go on Wal-Mart's intranet, and look

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1 it up if you needed to?

2 A I could, if I needed to. Yeah.

3 Q And do you know if all Wal-Mart Associates
4 could get access to it?

5 A I'm not sure. I believe they could, but I'm
6 not sure.

7 MS. INGLE: So I wanted to talk about a
8 few provisions so, if we could mark this as Exhibit 3
9 -- or, I'm sorry. We're on Exhibit 4.

10 (Exhibit 4 was marked for
11 identification.)

12 MS. INGLE: It talks about making
13 safety a priority. It looks like you're not supposed
14 to approach somebody if you think they have a weapon.
15 BY MS. INGLE:

16 Q Is that accurate?

17 A That's right. Yes. That's right.

18 Q And you're not supposed to pursue fleeing
19 suspects?

20 A That's correct.

21 Q So what does that mean, you can't chase
22 somebody in the store --

23 A If they -- no. If they --

24 Q -- what does that mean?

25 A -- if they step off the sidewalk.

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1 **Q Step off the sidewalk?**

2 A Yes. So, if they're on the sidewalk, we can
3 talk to them, try and get them to come back in store.
4 We can't make nobody come back in the store, but
5 they're still on the sidewalk, we can, you know,
6 introduce ourselves, tell them who we are. Tell them,
7 say, "Hey, you know, come back and talk to us. Let's
8 talk about the items you got in your purse, on your
9 person." But once they step off the sidewalk, we
10 can't do anything, but call the police.

11 **Q And you mentioned only certain Associates**
12 **could make apprehensions of shoplifters.**

13 A Yes, ma'am.

14 **Q Is that what this, "Authorized Associates,"**
15 **term means?**

16 A It can mean a lot of things. You know,
17 authorized to do certain things in the store. Like,
18 you know, do the jewelry counter, work in the meat
19 department in a deli. So, "Authorize," could go so
20 many different ways.

21 MR. VALOIS: I think she means it's
22 authorized in terms...

23 BY MS. INGLE:

24 **Q In terms of this AP-09 policy, though, did**
25 **authorized Associates have these specific --**

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1 A Yeah. Only -- yes. Yes, ma'am. Only
2 authorized Associates could make official stops.

3 Q Okay. So you mentioned Asset Protection
4 could --

5 A Yes.

6 Q -- and it looks like salaried Managers
7 could, as well. Is that your understanding?

8 A Yes. Salaried Managers, Asset Protection
9 could make stops. Anybody else in the store can
10 actually do a receipt check.

11 Q Okay. Now, what's the difference between
12 just approaching somebody that you suspect maybe
13 shoplifting and then actually detaining. What is the
14 difference? I guess, in Wal-Mart AP-09 terminology,
15 when does it become detaining a suspect?

16 A When we actually stop them and they are
17 escorted back to the Loss Prevention -- or Asset
18 Protection office, and we start our paperwork and
19 notify LPD that we have one in custody.

20 Q The, "LPD?" Is that the Lynchburg Police
21 Department?

22 A Yes ma'am.

23 Q And was there any sort of time limit on how
24 long you could detain them in the Asset Protection
25 office?

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1 A Up to an hour, but by order of the police,
2 if they are enroute -- and it might be a little bit
3 longer than an hour -- we can detain, because we're
4 getting a lawful order from a police officer.

5 Q Do you know what the term, "Five elements,"
6 means?

7 A Yes.

8 Q And what is that?

9 A You get an alert signal, you got to say,
10 "I'm selected," seal it, keep it on their person at
11 all times and then, pass all points of sales.

12 Q And at that point, it's considered --

13 A Shop --

14 Q -- shoplifting?

15 A Yes, because you can have somebody shoplift
16 something, you see him conceal it, walk around the
17 corner and they ditch it. So, if they ditch it and
18 then, you stop them, they don't have it on them, then
19 you are at fault.

20 Q So, they could walk around with it in their
21 pocket for a while and just toss it before they leave
22 the store. So --

23 A Yeah. Yes. So, that's why -- yeah. That's
24 why we have to maintain all -- maintain 100 percent
25 observation of...

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1 Q -- so that's why they get caught, once they
2 get past the cash registers.

3 A Yes.

4 Q Now, when you did this job, were you usually
5 in plainclothes so people didn't know --

6 A Yes, ma'am.

7 Q -- you were Asset Protection?

8 A Yes, ma'am.

9 Q The five elements you mentioned, did you
10 have to have all of those in place, then, before you
11 could make an apprehension?

12 A Yes, ma'am.

13 Q Now, you mentioned you could approach people
14 on the sidewalk of the store.

15 A Mm-hmm.

16 Q Is that your understanding?

17 A Yes.

18 Q So, once they're off the sidewalk --

19 A Yes.

20 Q -- that's it.

21 A Yeah.

22 Q You can't --

23 A Yeah. We cannot try to apprehend them or we
24 just have to let them go. And then, like I said, try
25 to get a license plate and then, notify the police

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1 department.

2 Q So, really, the only -- you watch them in
3 the store if you think they're going to shoplift, but
4 then your opportunities to make apprehensions is
5 pretty limited to -- past point of sales. So you've
6 got that alleyway from cash register to exit a store
7 and then --

8 A To the side --

9 Q -- sidewalk.

10 A -- to the sidewalk. Yes.

11 Q That's it?

12 A Yes.

13 Q Now, if you didn't personally witness the
14 concealment or any of these five elements, or all five
15 -- have all five of the elements in place, are you
16 able to approach the suspected shoplifter?

17 A No.

18 Q Are you ever able to approach people in
19 their cars outside of Wal-Mart, if you suspect they've
20 taken something?

21 A We can -- if their car is down in the
22 parking lot, we cannot go there. If they are outside
23 of their car and it's parked right there on the curb,
24 technically they are still on the sidewalk.

25 Q Mr. Osborne, have you ever seen part of the

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1 AP-09 guidelines that, let's see -- called the, "Key
2 term?" Or, I'm sorry. Let me share my screen. I
3 don't think it -- through. Can you see the document,
4 now?

5 A Mm-hmm.

6 Q Okay. Does this look familiar, the Key
7 Terms document?

8 A Yes.

9 Q And here, it does talk about this authorized
10 Associates, term?

11 A Mm-hmm. Yes, ma'am.

12 Q So, it looks like Managers, Asset Protection
13 Managers, Asset Protection Associates. Is this your
14 understanding of all the people who are considered to
15 be authorized Associates?

16 A Yes.

17 Q Then, is that the term, "Detention," --

18 A Mm-hmm.

19 Q -- listed here, your understanding of what a
20 detention would mean?

21 A Yes.

22 Q Then, here are the five elements. So --
23 what we talked about earlier?

24 A Yes.

25 MS. INGLE: Mark this Exhibit 5.

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1 (Exhibit 5 was marked for
2 identification.)

3 BY MS. INGLE:

4 Q Can you see the document, Mr. Osborne?

5 A Yes. I can see it.

6 Q Did you ever review the Supplemental
7 Investigation and Detention Guide?

8 A I believe I have.

9 Q Do you know if there was a copy of something
10 like this in the Asset Protection office?

11 A Yes.

12 Q Did you understand that failure to comply
13 with the AP-09 policy or this guide, could result in
14 pretty serious disciplinary action?

15 A Yes.

16 Q For you guys working in Asset Protection,
17 were you informed that, really, your job could open
18 either you or the company up to a lot of liability, if
19 it's not followed correctly?

20 A Yes.

21 Q And it could certainly open, not only you,
22 but other customers, other employees up to safety
23 risks if all measures in the policy aren't followed
24 correctly. Is that accurate?

25 A Yes.

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1 Q I understand; sometimes I get there were
2 shoplifters who might have weapons or -- did you ever
3 have to respond to situations like that?

4 A Yes. What we do, we have a shoplifter and
5 he still has the merchandise on him, we notify the
6 local law enforcement say, "Subject is -- has a weapon
7 on him." That we cannot stop them, because they have
8 a weapon, and we would just continue observation on
9 them and try to get the license plate of the vehicle
10 that that subject gets it, if PD is not -- excuse me?

11 Q Oh, I'm sorry. Go ahead.

12 A I said, if PD is not already enroute or in
13 our formal property. Usually, when we call that
14 somebody has a weapon, PD usually responds pretty
15 quick and, by the time they go out the door, PD is out
16 there. The police department is out there and the
17 police officer approaches him, stops him and then, we
18 come in and say, you know, "They have this and that.
19 They shoplifted this or that."

20 Q When you say, "Weapon," does it tend to be a
21 gun or a knife? What kind of --

22 A It could be -- knife, gun. Yeah. Usually,
23 it's a knife or a gun.

24 Q -- so, open carry into the Wal-Mart there?

25 A Yeah. They do open carry there and, like I

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1 said, if we see them conceal something and they have a
2 weapon on the side, we just maintain observation of
3 them and notify the police department.

4 MS. INGLE: I'm going to enter this as
5 Exhibit 6.

6 (Exhibit 6 was marked for
7 identification.)

8 BY MS. INGLE:

9 Q And did you receive training on the AP-09
10 policy, when you started working at Wal-Mart?

11 A Yeah. We had to get certified through Wal-
12 Mart and then, we had to go to --

13 Q What -- I'm sorry. Go ahead.

14 A -- we had to go to what they -- the Wal-Mart
15 Academy, and we had to go through all the training
16 through to them as well.

17 Q When you say, "Wal-Mart Academy," where was
18 that held?

19 A I had to go to two of them. One was in
20 Fredericksburg and then, the other one was in Roanoke.

21 Q When did the first one occur?

22 A Maybe three months after I started working
23 there.

24 Q And then, when did you go to the academy in
25 Roanoke?

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1 A Maybe about a year or two -- it's like --
2 the Academy in Roanoke was, like, a "refresher
3 course." Like, an in-service.

4 Q Did you also complete any sort of computer-
5 based training as well?

6 A Some of it was. Yeah. It was -- a lot of
7 it was about inventory, because usually Asset
8 Protection Associates would handle all the inventory.
9 So a lot of that on the second time I went to Roanoke,
10 was about inventory.

11 Q When you say, "Handled the inventory," what
12 does that entail?

13 A Make sure everything's in the correct bins,
14 everything's counted, how to use the -- I forget the
15 name of it, but how to use the heldhand count and put
16 in the number that you -- that you counted. So you
17 had to put a sticker up when the inventory group come
18 in, they know that that bin has already been counted
19 and they can scan it with their handheld.

20 Q So, make sure that works correctly,
21 essentially?

22 A Yeah.

23 Q I'm going to pull up another document here
24 and my computer's being really slow. I'll show you
25 the screen, Mr. Osborne. Let me know if you need me

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1 to make the font bigger. Did you have to take a lot
2 of training courses when you worked for Wal-Mart?

3 A Yes.

4 Q Would you believe me if I told you this was
5 a list of all the courses you had to take when you
6 worked for Wal-Mart?

7 A Yes.

8 Q I just kept scrolling through all of these
9 courses in the spreadsheet.

10 A Yeah. Yes, ma'am.

11 Q I do see here there's some courses that do
12 have AP-09 in the name. For example, there's one
13 called, "AP-09 Authorized Associates."

14 A Yes, ma'am.

15 Q Would you have taken a course that was just
16 for or about authorized Associates, when you -- right
17 around the time you started; it looks like November
18 20, 2017?

19 A Yes. A lot of it was on the computer. So,
20 a lot of the classes that we had to take, like, the
21 blood borne pathogens, all that stuff was a -- you had
22 to go back to the Human Resources office where they
23 had computers set up and you had to take these
24 courses.

25 Q Okay. So, it looks like you took a couple

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1 of those when you started, and then, it looks like
2 there was more AP-09 two days later. It looks like
3 you -- would you say you took multiple computer
4 courses on AP-09?

5 A Yes.

6 Q There's some courses called, "Academy Skill
7 Builder." Would that have been going to Academy --

8 A Yes.

9 Q -- the academies we talked about?

10 A Yes, ma'am.

11 MS. INGLE: Going to mark this as
12 Exhibit 7.

13 (Exhibit 7 was marked for
14 identification.)

15 BY MS. INGLE:

16 Q And, Mr. Osborne, where did Wal-Mart
17 employees typically locate Wal-Mart policies?

18 A In the HR Department. Back in their -- I
19 guess, conference room back there where they have all
20 computers setup.

21 Q Was there something called, "A Wire?"

22 A Yes.

23 Q What is that?

24 A You had to log in -- into the Wire and it
25 pulls up whatever, like, you need; pay stub, a course

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1 that you needed to take. Once you put in your ID, it
2 -- it pops up on the screen what courses you have to
3 take.

4 Q Okay. And was the Wire available on any of
5 these computers in the HR office?

6 A Yes.

7 Q When you worked for Wal-Mart, did it ever
8 become available through, I guess, something called,
9 "Wal-Mart One?"

10 A I believe so. I'm not 100 percent sure.
11 Everything I did was, I believe, was on the Wire.

12 Q Did you ever read the Global -- Wal-Mart's
13 Global Statement of Ethics?

14 A I might have. I'm -- like I said, I can't
15 remember, but I believe I did, but I'm not 100 percent
16 sure. I might have glanced it.

17 Q Do you generally know what it is?

18 A [No audible response.]

19 Q Do you generally know what the Global
20 Statement of Ethics is?

21 A Excuse me?

22 Q Do you generally know what the Global
23 Statement of Ethics is?

24 A Right off my head, no. If I were to read
25 it, it might refresh a memory, but...

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1 Q I have it here on the screen; pretty long.
2 Table of Contents, per the CEO, Statement of Ethics.
3 How --

4 A I might have seen something like this, but
5 it didn't look like this.

6 Q -- okay. I'm going to scroll through. Did
7 you understand there is a process for making ethics
8 complaints when you work for Wal-Mart?

9 A Yes.

10 Q And how could you do that?

11 A I think it was called, "The Open Door." You
12 have to -- you can call -- you can go into the
13 management office first, I believe, if I'm not
14 mistaken. Go to the management, talk to him about it
15 and, if you didn't agree with his decision or if it
16 was about the manager, something -- you can call The
17 Open Door.

18 Q And could you really choose who you talk to
19 in terms of going through this Open Door process?

20 A No, just a phone call, so just whoever's on
21 the other end will take the -- I guess, the Complaint.

22 Q Okay. So, it's a phone number you call?

23 A Yes ma'am.

24 Q Here we go. So on this page that I'm
25 showing you right here, it says, "Global Ethics

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1 **Contact Information."**

2 A Mm-hmm.

3 Q **And there's a phone number, 1-800-WMETHICS.**

4 A Mm-hmm. Yes, ma'am.

5 Q **And that's the phone number you would call**
6 **to report ethics concerns?**

7 A I never called it until after I got
8 terminated so, like, I'm assuming that is the number.

9 MS. INGLE: If we could mark this
10 document as Exhibit 8.

11 (Exhibit 8 was marked for
12 identification.)

13 BY MS. INGLE:

14 Q **So you never called it until you were**
15 **terminated, but did you understand that you could have**
16 **called it when you were employed by Wal-Mart?**

17 A Yeah. Didn't have a reason to -- well, I
18 had a reason to, but I just never did.

19 Q **You said you had a reason to -- the -- well,**
20 **tell me what that reason was that you thought you**
21 **needed to call this number when you worked for Wal-**
22 **Mart.**

23 A Basically, like, the racial slurs I heard
24 from management. Basically, that's pretty much it,
25 you know, racial slurs, racial related jokes.

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1 **Q When you say, "Racial slurs from**
2 **management," who made racial slurs?**

3 **A It was, like, Mike Hildreth, Ryan Fischer --**
4 **those were, really, the only two. I had an incident**
5 **with James Hornsby when he made a comment that was**
6 **inappropriate.**

7 **Q So, you said, "Mr. Hildreth."**

8 **A Yes.**

9 **Q Is that correct?**

10 **A Yes. He --**

11 **Q What was his position?**

12 **A -- Co-Manager.**

13 **Q And what did he say?**

14 **A Basically, like, "Hey, your people out there**
15 **-- these, you know, these niglets, and all that, you**
16 **need to go ahead and control your people."**

17 **Q So, he said that "N" word?**

18 **A Oh, yeah.**

19 **Q When did he say that?**

20 **A Several times. Whenever a group of black**
21 **teens come in, they were doing something stupid, they**
22 **would call me on the radio, I would meet them, "Hey,**
23 **got a bunch of niggers over there. Get your people --**
24 **get your people. Go get your cousin," and Ryan**
25 **Fischer, the same way.**

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1 Q What was Ryan Fisher's position?

2 A He was the Store Manager.

3 Q You said he was the same way? What did he
4 say?

5 A Exactly. Basically, the same comments.
6 Whenever somebody is acting dumb or you had teens in
7 there, something, same comments. And basically, I
8 just like brushed it off. Goes, "Hey guys, you all
9 can't be on the motorized wheelchairs. You need to
10 put them back," and then, I had James Hornsby make a
11 comment in front of me and the guy I was training,
12 which was another black male, "I'm glad I got you two,
13 because now, you two can start catching some of your
14 people."

15 Q And what was Mr. Hornsby's position?

16 A District Manager.

17 Q So, the comments that you have attributed to
18 Mr. Hildreth, what are the approximate dates when
19 these comments were made?

20 A Ever since he became, like, a Manager. He
21 was Manager over -- he was Assistant Manager, then, he
22 -- to a Manager of OGP, then, he became the Co-
23 Manager. So, most of it was in this time that he's a
24 Co-Manager. Timeframe, I couldn't tell you, but it
25 was -the -- most of the time when he was a Co-Manager.

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1 Q And were there any witnesses to the comments
2 he made to you?

3 A It was Associates around, but I don't think
4 they could hear it.

5 Q Which Associates were around?

6 A Just people working on the floor.

7 Q So, where would you be when he said these
8 things?

9 A He could be out on the store, out on one of
10 the -- what we call, "The Action Alleys." He would
11 come back to the office where I'm at, like, if I'm
12 watching something on the camera, he would knock on
13 the door and tell me, or he would radio and tell me to
14 come out to the floor. I'd meet him out on the floor,
15 he'd say it out there.

16 Q Would he say it to your face?

17 A Oh, yeah.

18 Q And Mr. Fisher, you said he basically said
19 the same comment. How would he say them, to your
20 face, or?

21 A He's, like, "Your -- your people out here
22 are acting stupid. Come get to come get your
23 niglets."

24 Q When did he say that?

25 A Like I said, it's all the time. Whenever

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1 they had a group of black males come in -- black
2 teens, they were all -- and they were doing stupid
3 stuff; throwing balls in the store, running, yelling
4 or something like that. They would always, "AP Corey,
5 need you to step out on the sales floor. Come to
6 shoes. AB Corey, come to automotive. AB Corey, come
7 here." So I would go out there and meet them, and
8 like, "What's going on?" "Hey, your people over
9 there, you need to get them out of here." I'm like,
10 "Okay." So, I go say, "Hey, guys, you all got in
11 here. This is not a playground. You all need to go
12 ahead and leave," because, you know, and I'd tell
13 them, you know, "It's not a playground. You all want
14 to go play, go to the park. This is a business," and,
15 you know, they would leave.

16 Q So, would Mr. Fisher actually say that "N"
17 word?

18 A He would hint around. He wouldn't say the
19 actual word. Just like Mike Hildreth wouldn't say the
20 actual -- they would beat around the word. Like, they
21 wouldn't say, "Nigger," they would say, "Niglets."

22 Q But -- so, they actually said that word?

23 A The "Niglet?"

24 Q Mr. Hildreth actually said that word?

25 A Oh, yeah. The niglets word, yeah, but they

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1 never actually came out and said the actual racial
2 slur to it.

3 Q So, do you know approximately how many times
4 Mr. Hildreth said that "N" word?

5 A Oh. All the time to me, because, I mean,
6 I'm really didn't -- I guess they could see it didn't
7 bother me. And it didn't. I mean, I just, like,
8 throw it off my shoulder. I've got called worse.
9 But, you know, as coming -- as me being a black man
10 I'm, like, "Okay. I got it. I'll take care of it."
11 So basically, like I said, I'd go take care of it.
12 It's said and done. So, times? Well, here and there,
13 stuff. Far between, but I mean, it wasn't like a
14 everyday thing. But whenever we had a group of black
15 male teens acting stupid, I was first one they call.

16 Q And, Mr. Fisher, did he actually use that
17 "N" word?

18 A Like I said, they never said the hard "N"
19 word. They --

20 Q So the one you're using.

21 A -- yeah, exactly.

22 Q Did they -- did Mr. Fisher ever say it?

23 A Which the -- which word? The hard one or
24 the supplemental word?

25 Q The softer one.

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1 A Oh, yeah. The softer ones? Yep. Yes.

2 Q **And when did he say it?**

3 A Several times.

4 Q **Approximately, when did he first say it?**

5 A Honestly -- I couldn't tell you. There's so
6 many times. I couldn't tell you exactly the first
7 time he said it.

8 Q **So you said it was, "So many times." How**
9 **often was it?**

10 A Well, Mr. Fisher wasn't there, maybe -- he
11 was there maybe a year and a half before I left, so I
12 will say maybe about four or five times. And
13 basically, the same thing with Mike Hildreth. Just
14 about four or five times. And they -- I guess, I
15 could say that they didn't say it, like, being the "A"
16 word towards me. They said it in a joking manner
17 like, "Hey, go get them, you know, blah blah blah,"
18 but I just don't think they realized that, "Hey, you
19 know, you're talking to a black man," you know?

20 Q **And you mentioned that they would tell you**
21 **this -- how many other Asset Protection Associates**
22 **worked for that particular Wal-Mart store in this time**
23 **frame?**

24 A Let's see. Maybe, two. I want to say --
25 because I pretty much worked there by myself the

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1 entire time. They would hire somebody and they would
2 quit within 30 days -- within two months. Excuse me.
3 They had one girl, she worked with me for about a
4 year, and then, they transferred her out of the
5 department, because she wasn't catching anybody. We
6 had one girl that worked for about 45 days -- about 40
7 -- she was employed for 45 days. She probably worked
8 10 days out of 45 days, because she kept having
9 seizures. Then, I had a guy work with me for about, I
10 want to say three, four months, and then, Jaylin was
11 with me for about four -- about three months before I
12 was terminated.

13 Q Now, backing up to the first person you
14 talked about, what was her race?

15 A Ma'am?

16 Q What was her race? The first person you
17 mentioned that you worked --

18 A Oh, she was a white -- white female.

19 Q -- and then, the next person. What was her
20 race?

21 A White female.

22 Q And then, the next person, what was their
23 race?

24 A A white male.

25 Q And then, so really, I mean, did you work

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1 with any other African Americans in Asset Protection?

2 A Except for when I -- right before they
3 terminated me.

4 Q So, Jaylin that you mentioned, what was his
5 race?

6 A African American.

7 Q You mentioned that there was a comment Mr.
8 Hornsby made.

9 A Yes, ma'am.

10 Q You said that -- was it Jaylin that was with
11 you when that was made?

12 A Yes. Yes.

13 Q And, specifically, what was that comment Mr.
14 Hornsby --

15 A He -- me and Jaylin was on our way back to
16 the office. He was in the Management office with Mr.
17 Fisher. He stopped us, "Hey guys, I want to say you
18 all doing a good job." We said, "Thank you." And he
19 says, "And yeah, I need you all to catch some of your
20 people." So, I'm like, "Okay. Thank you." Me and
21 Jaylen walk into the AP office and Jaylen turns
22 around, looks at me like, "What the hell he mean by
23 'Some of your people?'" I'm like, "Dude, I get it all
24 the time." We told Mike Berry when he said -- Mike
25 Berry was, like, "I got nothing to do with it." You

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1 know, you're supposed to report it to your Manager?
2 We reported it, that he said that, to Mike Berry. He
3 walked out and said, "I didn't hear nothing. I got
4 nothing to do with that." And his face just dropped
5 when we told him that, because Jaylin was -- I guess I
6 was so used to it, it didn't bother me. It kind of
7 upset Jaylin when he said that.

8 Q Did you ever talk to Jaylin after you were
9 terminated?

10 A Oh, yes. I have.

11 Q When did you talk to him after you were
12 terminated?

13 A I still do. Like, when I go into store
14 shopping. He'll say hi to me and stuff. Yeah, he's
15 no longer --

16 Q Do you talk to him about -- I'm sorry. Go
17 ahead.

18 A -- yeah. He's no longer with AP.

19 Q What does he -- or does he still work for
20 Wal-Mart?

21 A Yes. He still works for Wal-Mart.

22 Q Have you talked to him about this case?

23 A Yes. We have talked. I told him, you know
24 -- he knew I got terminated. He's like, "You know,
25 that's wrong. The way they fired you." I'm like,

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1 "Yeah. That's the way it goes," and that's pretty
2 much it. Everybody in the store knows why I was
3 terminated.

4 Q So, you said everybody in the store knows
5 why you were terminated?

6 A Mm-hmm.

7 Q How does everybody in the store knows why
8 you were terminated?

9 A It's Lynchburg. It's -- what? I mean, it's
10 like a soap opera. They know, "Corey, got fired.
11 What? Blah, blah, blah." And they knew, you know,
12 basically, that was it. I mean, I told, you know --

13 Q [Inaudible.]

14 A -- I -- what? When I got fired, that day, I
15 was leaving and it was and it was some at the smoke
16 area, and I was telling them, "Hey guys, I'm gone.
17 Bye. Blah, blah, blah." They was like, "What?" I
18 said, "Yeah. They just fired me over some BS that I
19 had nothing to do with." And they was like, "What?"
20 and they said -- I told them, "You know, the stop."
21 And they was like, "What?" Then I told them, "You
22 know. Hey, they said I stopped somebody that I didn't
23 stop and there it is," and you know, dang, you tell
24 one person one thing in their ear, by the time it get
25 to the last person, it's a totally different story.

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1 Q Do you understand Wal-Mart had policies
2 against termination based on race?

3 A Yes.

4 Q Did you ever think to make a complaint about
5 it -- like, the statements you've made, did you ever
6 think to make a complaint about those statements?

7 A No, because I won't thinking I was getting
8 fired.

9 Q Why did you think you would get fired?

10 A Because. They say there's no retaliation.
11 Wal-Mart retaliates.

12 Q Why do you say that?

13 A If you're not doing this good of a job at
14 something, they have moved -- they will move you to
15 somewhere else, or they'll give you a workload that
16 will make you quit.

17 Q How do you know that?

18 A I've seen it. I've seen where one person
19 wasn't doing such a good job in his department, they
20 move him to another department and put a load on it,
21 where they just like, "I can't do this. I quit."

22 Q Do you think that has anything to do with
23 making complaints about unfair treatment at work?

24 A I don't think that they -- they don't let
25 the employees know that. I mean, it's an employee's

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1 job to do that, but I think more, they are more scared
2 of losing their job than anything. So they just bite
3 the bullet and don't make a complaint. Just take it
4 with a grain of salt. Like with me. I take it with a
5 grain of salt. I don't care. I've been in the
6 military, been doing law enforcement stuff. I've been
7 called everything in the book. So I didn't take it,
8 you know, serious, you know? I'm like, "Okay.
9 Whatever."

10 Q Have you ever read Wal-Mart's Discrimination
11 and Harassment Prevention Policy?

12 A I might have. I'm sure I have.

13 Q You understand it prohibits harassment or
14 discrimination based on race?

15 A Yeah. Yes, ma'am.

16 Q Do you know of anybody who's ever made a
17 complaint of racial harassment or discrimination while
18 working for Wal-Mart?

19 A I've heard people say it to me, but haven't
20 made a report about it.

21 Q Did you know anybody who worked for Wal-Mart
22 who said, "Hey, I made a complaint about
23 discrimination?"

24 A No.

25 Q Anybody ever tell you they did that?

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1 A Excuse me?

2 Q Did anybody --

3 A No. They didn't --

4 Q -- that worked for Wal-Mart did they tell
5 you they made a --

6 A -- they -- no. They told me -- they never
7 made a complaint. I did make a complaint before I go
8 terminated, when I told Mike Berry about, "Hey, the
9 joke that Hornsby made," and all that. Like I said,
10 when we told Mike, because Jaylin was there, Mike's
11 like, "Oh. I didn't hear it. Blah, blah, blah." He
12 closes -- because Mike was afraid of retaliation too,
13 probably.

14 Q But you don't know if Mike was afraid of
15 retaliation. Do you?

16 A I can't say that. I can't say that I know.

17 Q So the incident you mentioned you told Mr.
18 Berry about, you're speaking about statements Mr.
19 Hornsby made to you and Jaylin?

20 A That's correct. Yes.

21 Q When did you say anything to Mr. Berry about
22 that?

23 A Right after he said it. That day that he
24 said it, me and Jaylin went into the office. Mike
25 comes in and I was like, "You can't believe what James

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1 just said to us." And we told him, and he's like,
2 "Oh. I ain't got nothing to do with that, you all."
3 And he walks -- turns around and walks right out the
4 office.

5 Q Do you know, approximately, what date that
6 would have been?

7 A I don't know the exact date. It was the
8 time that -- I left on May the 21st. Jaylin didn't
9 come to AP until probably April. So, somewhere
10 between, I think, April the -- I would say April the
11 1st until May the 21st.

12 MS. INGLE: Going to enter this
13 document is Exhibit 9.

14 (Exhibit 9 was marked for
15 identification.)

16 BY MS. INGLE:

17 Q So you don't know anybody who worked for
18 Wal-Mart who has actually made a complaint of racial
19 discrimination or harassment in the time they've
20 worked for Wal-Mart?

21 A No.

22 Q Are you familiar with Wal-Mart's
23 Disciplinary Action policy?

24 A I've read it, but I'm not familiar with it.

25 MS. INGLE: I've marked as Exhibit 10.

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1 (Exhibit 10 was marked for
2 identification.)

3 BY MS. INGLE:

4 Q And what does, "First Written," or "Yellow,"
5 mean? Does that sound familiar?

6 A Was -- say that again, please.

7 Q What does, "First Written," or "Yellow,"
8 mean in terms of levels of coaching?

9 A I think if you have as -- I know about the
10 coaching. I don't know about the color codes to the
11 coaching. I know what the coaching is, but the color
12 codes I could not tell you.

13 Q I put a document on the screen here, Mr.
14 Osborne. Cursor here -- so have you read the
15 Disciplinary Action policy?

16 A I probably have, when I first started. Yes.

17 Q On this page here, it talks about, "First
18 Written/Yellow, Second Written/Orange, and
19 Third/Written, Red."

20 A Mm-hmm.

21 Q Do you understand these to be different
22 levels of disciplinary action at Wal-Mart?

23 A Yes.

24 Q Was yellow the first level?

25 A [No audible response.]

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1 Q Did you understand yellow to be the first
2 level?

3 A Yes. Yes. I see it right here. Yes.

4 Q And then, did you understand red to be final
5 written warning? You could be terminated if you get
6 any more warnings?

7 A Yes. I see that. Yes. I see that here.

8 Q Did you understand too, that if you've got a
9 disciplinary action, that it could have stayed active
10 in the system for a period of time?

11 A I believe so. Yes.

12 Q In your time at Wal-Mart, did you receive
13 any levels of disciplinary action?

14 A Yes. I did.

15 Q And which levels did you receive?

16 A I believe I got the yellow and then, I got a
17 orange for two people saying I said something and --
18 which come out not to be true, but they still wrote me
19 up.

20 Q Do you remember when that was, that incident
21 that you mentioned?

22 A No, ma'am. The first one -- the first one,
23 it was a Associate that used to work for AP, when we
24 have the AP Host at the door. She moved into the
25 actual grocery side. I was watching a shoplifter and

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1 I tapped her on the shoulder and I asked her to move
2 to the side, to get out the area, so I could see this
3 person concealing the merchandise. I tapped her again
4 and she got, "Don't touch me," something. She yelled.
5 Ms. Edna Coleman was standing right there and she
6 said, "Hey. He's watching a shoplifter. Move." And
7 she like, "Oh. Okay." So the Assistant Store Manager
8 hears us make the comment. He comes up to me and say,
9 "Hey, I need to talk to you in the office now," and
10 I'm like, "Okay. I got a shoplifter. As soon as I
11 get done with this." He's like, "Now." So I had to
12 pull off the shoplifter and he said, "Hey, you can't
13 blah, blah, blah." Come to find out, him and the girl
14 were dating. They liked each other. And I think he -
15 - to me, he got jealous, because I told her she needed
16 to move and I tapped her on the shoulder. So that was
17 the first incident, which that girl got fired two
18 weeks later.

19 So -- and then, I have -- like I said, I got a
20 witness, Edna Coleman, for that one. Then, we had
21 another guy said that I said something about his ex-
22 girlfriend that -- he stopped me while I was going to
23 the HBA department of the store and he spoke to me,
24 "Hey, Corey." And I'm like, "Hey. How you doing?
25 Blah, blah, blah." And I was like, "Do you still date

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1 such and such?" He's like, "No," because I don't even
2 know the girl's name. He's like, "No, but I knocked
3 dirt off of it." I'm like, "Okay." I said, "All
4 right then, buddy," and I kept going. He goes back
5 and tells the Manager that I said that -- and then, he
6 got her to make a complaint saying that she was scared
7 of me. And I never spoke to her.

8 MS. INGLE: Saved my screen here, Mr.
9 Osborne. This is what looks to be a Disciplinary
10 Action with a yellow level issued on February 22nd,
11 but it talks about the time you were -- this is issued
12 for inappropriate conversations --

13 THE WITNESS: Yes.

14 MS. INGLE: -- not balancing
15 appropriate interaction with employees as Asset
16 Protection to maximize productivity.

17 THE WITNESS: Yes.

18 BY MS. INGLE:

19 Q Is that what you were just talking about?
20 These conversations that --

21 A Yes, ma'am. Yeah. That the guy stopped me
22 and had about his ex-girl.

23 Q -- okay. So this was issued in 2020?

24 A Mm-hmm.

25 Q It looks like here, it says, "The expiration

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1 date of the Disciplinary Action may be extended
2 beyond --

3 A 202220.

4 Q -- February 22, 2021.

5 A Mm-hmm.

6 Q Associate -- okay. So is it your
7 understanding that this could stay active for a year
8 and then, you --

9 A I didn't know how long it was active. I
10 just know -- that's why I made the comment there, "I
11 won't plan to talk to nobody or trust anybody, or keep
12 to myself. Speak only when I'm spoken to by
13 Management only, and only to respond if I'm called by
14 Mitch. I am not -- if I am needed by an Associate,
15 they must have to call a Manager to get the Manager to
16 call me, because that right there, I don't trust
17 nobody. For what that guy did right there to me.
18 Like I said, I spoke to him maybe two or three times
19 in the store, the whole time I worked there, and then,
20 him to do me? That's why I said, "You know what? I
21 don't trust nobody now, because that's just throwing
22 me under the bus for something I didn't do," to keep
23 it clean when he's the one who made the comments.

24 MS. INGLE: I'm going to mark this as
25 Exhibit 11.

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1 (Exhibit 11 was marked for
2 identification.)

3 BY MS. INGLE:

4 Q Did you get any other disciplinary actions
5 before this one?

6 A It was supposed to been one I told you about
7 when I tapped the -- what was her name? I can't think
8 of her name -- when I tapped her on the shoulder and
9 said, "Hey, I need you to move the area. Go that
10 way." And she basically tried to ignore me and Ms.
11 Edna was my female witness. I'm like, "I'm watching a
12 shoplifter. I need you to go." "Don't touch me."
13 I'm like, "You need to go over there." So she goes
14 over there, that's when Jacob heard -- which Jacob is
15 no longer with Wal-Mart either. He was a Manager and
16 -- what? That's when they called me back in the
17 office. I don't know if they've written anything up
18 on that, but they talked to me about that, and that's
19 when I explained to him like, "Hey, she was in a way.
20 I had a shoplifter." And I said, then Jacob calls me
21 back here, jumps down my throat saying, "You can't
22 touch her. Blah, blah, blah." I said, "I tapped her
23 on the shoulder and said, 'Go that way.'" I said,
24 "Ms. Edna's my witness. She's right there. She's
25 seen and heard everything." And then, like I said, I

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1 come to find out that Jacob and her had a little thing
2 together, because I also got a video of them making
3 out in the back room. Store's Managers are not
4 supposed to have any kind of relationship with
5 Associates and I think that's one reason why Jacob
6 didn't like me.

7 Q So, was that a separate written action?

8 A I don't know if they wrote anything up or
9 not. I know I talked to the Store Manager about it.

10 Q When did that occur?

11 A It happened before that.

12 Q Okay. I'm going to show you another --
13 Exhibit -- chat feature. There's another document
14 here, Mr. Osborne, this one -- I think it should be
15 this one. This document looks like it was that issued
16 in October of 2018 --

17 A Mm-hmm.

18 Q -- and it says you approached or stopped a
19 shoplifter that was in possession of a concealed knife
20 that she stole, ripping it out of the package, and --

21 A Yes. Okay.

22 Q -- this is a violation of AP-09. Do you
23 remember this incident?

24 A Actually it's not a violation, because when
25 I stopped her, she did not have the knife on her

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1 anymore. So she did not have a weapon on her when I
2 stopped her. Once she got rid of the weapon then, she
3 does not have -- she still had the concealed
4 merchandise on her, but she did not have the weapon
5 anymore. So therefore, it is not a violation of AP-
6 09, because she does not have a concealed weapon
7 anymore.

8 Q Okay. So did she conceal something besides
9 the knife?

10 A Oh, yes. She concealed two shirts, a hat, a
11 case of beer and -- and then, she had the knife.
12 Then, she got rid of the knife over in the -- over the
13 produce section. The Store Manager, Anthony Ware was
14 with me when I stopped her and he can also confirm
15 that she did not have the knife with her anymore. So
16 that's why I stopped her. PD -- because I already
17 called PD and told them that she had a knife. So PD
18 was enroute. She ditched the knife over in the
19 produce section, so I went to go ahead and stopped her
20 when she was in the vestibule of the store. She goes
21 out -- she comes out. PD stops her. She actually
22 fights PD. They lock her up, take her to jail.

23 Q So, I'm curious. You said she concealed a
24 case of beer?

25 A Yeah.

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1 Q And how does one do that? In a very large
2 bag or?

3 A Oh, I'll see people walk out with TVs under
4 their dress and you would -- never could tell.
5 Because when she pulled the knife out, about six beer
6 cans fell out of -- fell out her hand and the knife
7 fell on the floor. So, I'm like, "Yep. She's fair
8 game now."

9 Q Okay. And that was in the produce section?

10 A Yes, ma'am.

11 Q Okay. All right. So once the -- you say
12 once the knife fell on the floor, she was fair game to
13 approach?

14 A She's fair game. She has no more concealed
15 weapon.

16 Q Was the knife still within arm's reach,
17 though?

18 A No. There's video of everything. You can
19 see her drop the knife. You can see me kick the knife
20 away from her. She walks out the store. She walks
21 out the store. I'm still behind her asking her,
22 "Please come back in the store." She turns around,
23 she takes a swing at me, she missed. PD actually seen
24 her take a swing. They come get her. They walk down
25 the sidewalk and try to talk to her. They put hands

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1 on her. She kicks the LPD officer in the groin. He
2 goes down to the ground. They get her in handcuffs.
3 Not even 30 seconds later, she comes out the
4 handcuffs. They put her handcuffs again and then,
5 they put her in the vehicle.

6 Q And did you have to go testify in a case
7 involving her criminal charges?

8 A Yes. Yes. Yes, ma'am. Yes, ma'am.

9 MS. INGLE: If we can, enter this as
10 Exhibit 12.

11 (Exhibit 12A was marked for
12 identification.)

13 BY MS. INGLE:

14 Q So I understand there was an incident in May
15 of 2021 that led to your termination. Is that
16 correct?

17 A Yes, ma'am.

18 Q And can you tell me what happened?

19 A I was outside doing -- when they had that
20 pandemic and we had to stand outside and count people
21 coming in and count them coming out. I had a Customer
22 Service Manager comes up to me and said one of her
23 Associates said that a young lady didn't pay for her
24 items, and gave a description of a girl in a pink coat
25 with two small kids. So, when I told -- Stephanie

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1 comes out, I said, "Well, they're -- the only
2 description there." I said, "I can't get involved,
3 because I did not witness it." So, she like -- I told
4 her, she can do a receipt check, but I cannot get
5 involved at all. So she walks down. I walk down with
6 her. I step back. She asked the ladies for a
7 receipt. Lady produced the receipt. Stephanie checks
8 her stuff, gives the lady back her receipt; she did
9 pay for all the stuff and we walked back to the
10 building. We walked back to the door. I stood
11 outside, because I was counting and Stephanie goes
12 inside.

13 Q And what was Stephanie's job?

14 A She was a Customer Service Manager.

15 Q What are the job duties as Customer Service
16 Managers?

17 A They basically run the whole front end where
18 the cash registers are at.

19 Q And do they frequently check receipts?

20 A Mm-hmm.

21 Q Is that a, "Yes?"

22 A Yes, ma'am.

23 Q Do they help people at the self-checkout
24 area?

25 A Yes, ma'am. They do.

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1 Q And they're not AP-090 authorized. Is that
2 correct?

3 A I -- as a Customer Service Manager, they can
4 do -- like I said, anybody can do a receipt check.
5 They can't stop nobody.

6 Q So, can they do -- or sorry. Can they do
7 receipt checks outside of Wal-Mart?

8 A What do you mean, "Outside of Wal-Mart?"
9 You talking about on the sidewalk?

10 Q Or -- yeah. Outside of the store?

11 A Yeah. I mean, as long as they are not off
12 the sidewalk, yes. I've seen the Store Manager do it.

13 Q So, you've seen the Store Manager do it.
14 Are you talking about Mr. Fisher?

15 A Yes. Mr. Fisher, Mike Berry, Mike Hildreth,
16 other managers, like, Kendra, Mr. McHomes. She was a
17 Manager at the time. I don't know Josh' last name,
18 but he was a Manager at the time. When Jacob was
19 there, when he was a manager at the time. They can
20 check any receipt up to the sidewalk's end. Once they
21 stepped off the sidewalk, can't nobody, even
22 management, do anything.

23 Q Okay. What's the purpose of checking
24 receipts?

25 A To make sure all -- basically, what they

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1 doing -- make sure all big ticket items are on a
2 receipt. TVs, Xboxes. Little stuff, they don't care,
3 but anything that's not in a bag, they check the
4 receipts to see if it's still -- if it's on the
5 receipt and if it matches.

6 Q So, it wouldn't be appropriate to go digging
7 through people's bags looking to make sure the items
8 all match the receipt?

9 A It depends on the items. Like I said, a big
10 ticket -- it could be an Xbox game, but it's 60 bucks
11 and they put it down in the bag. So, they can
12 actually -- they can't dig through it, but they can
13 look down in the bag.

14 Q Do you -- would you typically do a receipt
15 check if someone just bought groceries?

16 A They have, because a lot of people won't
17 scan, like, meats and stuff. They won't scan it, so
18 they just -- we call it free bagging.

19 Q Now, when you go through self-checkout,
20 there's a camera right above you correct?

21 A That's correct.

22 Q And so, it watches these scans --
23 everything. Is that correct?

24 A It can watch you go through the motions, but
25 that doesn't mean that it scanned. You can have

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1 something and you can put your finger on the barcode
2 and look like you going across the register. Look
3 like you've scanned it, but it doesn't mean you've
4 scanned it.

5 Q Do you know if different stores have
6 different cameras --

7 A Yes, ma'am.

8 Q -- operating over their self-checkout areas?

9 A Yes, ma'am.

10 Q So you mentioned that Stephanie gave you a
11 description of a person leaving the store that --

12 A Yes.

13 Q -- but didn't pay for items.

14 A Yes.

15 Q Did you point that person out to Stephanie?

16 A I said the only person that fits that
17 description is the lady that's right down there on the
18 sidewalk. So, I guess Stephanie, she goes back inside
19 and talks to one of the care -- one of the cashiers
20 and, I assume, the cashier told her, "Yes. That's the
21 person." So, that's when Stephanie's like, "That's
22 them there." And I was like, "Well, you can go do a
23 receipt check, but I can't get involved at all."

24 Q And so, did you walk over to the person with
25 Stephanie?

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1 A No. I walked down the sidewalk with
2 Stephanie. Stephanie walked to the person.

3 **Q Was the person getting in their car?**

4 A No. She was standing outside of a car
5 putting stuff in the trunk.

6 MS. INGLE: Okay. Trying to play this
7 video. It's, like, having technical difficulties. It
8 was working just fine this morning. If we can take a
9 quick break, I'll try to get this working. Go off the
10 record.

11 MR. VALOIS: What time do you want to
12 come back on?

13 MS. INGLE: [No audible response.]

14 MR. VALOIS: What time would you like
15 to come back on the record?

16 THE REPORTER: Is she muted? I didn't
17 mute her.

18 MR. VALOIS: Can she hear you? Looks
19 like she muted.

20 (Off the record.)

21 MS. INGLE: Can you guys hear me?

22 MR. VALOIS: We can hear you.

23 THE WITNESS: Yes.

24 THE REPORTER: Okay. You ready?

25 MR. VALOIS: Yes.

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1 MS. INGLE: Yeah.

2 THE REPORTER: Okay. We are back on.

3 BY MS. INGLE:

4 Q All right. I'm going to show you this
5 video. Can you see my screen?

6 A Yes.

7 Q Do you -- at any point, do you see yourself
8 in the video at all?

9 A Yes. I do.

10 Q Are you standing outside the store in the
11 yellow vest?

12 A Yes. I am.

13 Q I think there was mentioned that the
14 customer that was stopped was wearing a pink jacket.
15 Was that her that just exited the store --

16 A Yes, ma'am.

17 Q -- in this video?

18 A Yes, ma'am.

19 Q Now, you mentioned earlier that you were
20 counting people. Was that to count, I guess, how many
21 people came into the Wal-Mart during the pandemic?

22 A Yes.

23 Q Were there occupancy limits during the
24 pandemic?

25 A Yes. I think it was 900, I believe. And I

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1 was up there relieving somebody.

2 Q Was the other person you were relieving, was
3 that -- what position was that person in?

4 A They would just -- they have -- they would
5 have anybody come up there to what I'm doing there,
6 but we have to give them a break.

7 Q And is this Stephanie that's walking up now?

8 A Yes. That's Stephanie that's walking up,
9 now. And that's what I'm saying, the only one that
10 fits that description is that lady down there.

11 Q Okay. So you're -- where you kind of lifted
12 your arm. Now, it looks like she's kind of running.
13 Stephanie's kind of running back into the store.

14 A Yes.

15 Q Have you seen this video before?

16 A Yes. I did.

17 Q Did you view it at all when you still worked
18 for Wal-Mart?

19 A I was the one that made this video.

20 Q When you say, "Made this video," do you mean
21 had the --

22 A Burned it.

23 Q -- cameras --

24 A Yeah. I have -- I was one that have all
25 access to the cameras and they asked me to put this on

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1 a disk for them.

2 Q -- so you put this on a disk for who?

3 A For Mike Berry, Tony Morris, and Seth
4 Harris, I think his last name.

5 Q And the reason you put it on disk?

6 A Mike asked me to. When Mike told me that
7 this lady wrote a letter and made a complaint, he
8 actually read the letter to me. He said, "To cover
9 your tail," he said, "Put this on a disk." I'm like,
10 "Okay." He's -- and Mike Barry said, "I don't see
11 where you did anything wrong." I'm like, "I know I
12 didn't.

13 Q When you say a lady wrote a letter, do you
14 understand that to be the lady that was in the pink --

15 A Yes.

16 Q -- sweater or jacket, earlier in the video?

17 A Yes. Yes.

18 Q Stephanie coming back in now?

19 A Yes.

20 Q You're still outside the store?

21 A Yes.

22 Q With the -- outside of this video?

23 A Yes, ma'am.

24 MS. INGLE: We can mark this video as
25 Exhibit 12.

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1 (Exhibit 12B was marked for
2 identification.)

3 MR. VALOIS: This is Paul. I do have
4 an objection to the exhibit, in that we've never
5 received a copy of that video that actually works.
6 The -- you've sent us several times and you sent us a
7 player, but each time the player doesn't actually --
8 it doesn't actually open the files.

9 MS. INGLE: I thought your client
10 testified earlier that he viewed the videos before the
11 deposition today.

12 MR. VALOIS: Yeah. He had -- we had --
13 we were able to alter the video by actually editing
14 some of the headers in it to make it play, but it
15 plays in a very jumpy -- it doesn't play anywhere near
16 with the clarity that video that you just played
17 plays. It plays in a really jumpy --

18 MS. INGLE: I'm sorry, Paul. I'm
19 having -- I can't really hear what you're saying.

20 MR. VALOIS: -- well, let me see. Is
21 that better?

22 MS. INGLE: Yes. Mm-hmm.

23 MR. VALOIS: Hello. I'm sorry. We
24 were able to take the raw files from the video that
25 you sent us and we were able to edit some of the

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1 header files in them, and get them to play on another
2 player, but not -- in a much jumpier, less resolution,
3 and less clear format than the video you just played.
4 And it also altered the aspect ratio to -- aspect
5 ratio of the player to make it really stretched out
6 and weird looking. And we'd really like to get a copy
7 of whatever format you just played or whatever you're
8 using right there. We'd really like to get a copy of
9 it in that -- and whatever you just played, because we
10 don't have it. That's my only objection.

11 MS. INGLE: Yeah. Yeah. We've sent
12 you the video instructions that we use to -- program
13 to be downloaded in order to play these on our
14 computers. So I'm not sure if it's something
15 different with your computers.

16 MR. VALOIS: Well -- yeah. We talk
17 about it later. We don't need to use up a deposition,
18 but there's a problem. If you look back at the file
19 you sent, you'll see one of the programs you sent us,
20 it purports to be a program, but it actually has zero
21 kilobytes in its memory. It's an empty file. If you
22 look at your sent, you'll see what I'm talking about
23 or maybe your tech guy will.

24 MS. INGLE: Okay. We can try to resend
25 that after the deposition and so, hopefully, it'll

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1 come through, because there are a couple of different
2 things that have to be downloaded in order to get this
3 to work.

4 MR. VALOIS: All right.

5 MS. INGLE: I'm showing another video
6 on the screen now. Can you all see this okay?

7 THE WITNESS: Yes.

8 MR. VALOIS: Mm-hmm. Yes.

9 THE WITNESS: I'm still way up here.
10 You see, I'm way up here and there she is right there.
11 So, she's putting stuff into the car there.

12 MR. VALOIS: Excuse me. Bethany? I'm
13 sorry. We have a little problem. Let me see if I can
14 move this window out right. The little sidebar window
15 was in the way of where he's there -- I'll put it over
16 here.

17 MS. INGLE: Do you need me to rewind
18 the video at all?

19 MR. VALOIS: Yeah. Is that you?

20 THE WITNESS: Yeah.

21 MR. VALOIS: Yeah. If you could rewind
22 it about -- yeah. A little bit. Maybe, a few -- a
23 minute or so.

24 THE WITNESS: Okay.

25 MS. INGLE: That's good?

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1 THE WITNESS: Yeah. That's pulled up
2 right there.

3 MR. VALOIS: So that's the lady?

4 THE WITNESS: No. That's her boyfriend
5 -- it's her right there.

6 MR. VALOIS: All right. That's the
7 lady opening the -- okay.

8 THE WITNESS: Yeah. So, he's standing
9 there, waiting.

10 BY MS. INGLE:

11 Q When you say, "That's the lady. That's
12 her," are we looking at the vehicle that took the --
13 raised the it's back door to load items into the back
14 of the SUV?

15 A Yes. Yes, ma'am. That's me standing up
16 there.

17 Q And you say that's you standing up there --
18 and we see a person in a yellow vest. Is that you?

19 A Yeah. That's -- yeah. The big one right
20 there. And there's Stephanie talking to me right
21 there. She goes back inside. I'm assuming she goes
22 back inside to get another description of the girl. I
23 don't know, but I stand there and then Stephanie comes
24 back and I tell her, "Well, you can do a receipt
25 check, but no, I can't get involved." And there's

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1 Stephanie coming out. I'm walking down with her. She
2 goes up and she talks to them, and I stand back there,
3 right there.

4 Q When you say you, "Stand back there, right
5 there," is the passenger side vehicle door open?

6 A I believe so.

7 Q So, when Stephanie approached the woman was
8 the woman's back turned to Stephanie?

9 A I'm not sure.

10 Q What was the woman's demeanor when Stephanie
11 approached her?

12 A It wasn't -- I guess, pleasant. I'm not
13 sure, but once Stephanie spoke to her and asked to see
14 her receipt, and then, checked the few things, I
15 guess, on the receipt, that's when the lady got upset.
16 And she like, you know, "I didn't -- you know, I
17 didn't steal nothing. I didn't -- I pay for all
18 mine." I don't know exactly what she said, but you
19 know, I go back to where I'm standing. That's it with
20 me.

21 Q Get out of the driver's side of the vehicle,
22 the woman who Stephanie's talking to?

23 A Yeah. Either the driver or the back
24 passenger -- on the back driver's passenger.

25 MS. INGLE: Going to mark this as

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1 Exhibit 13.

2 (Exhibit 13 was marked for
3 identification.)

4 MR. VALOIS: Oh, Bethany, let me just
5 raise a standing objection to the videos until we
6 straighten those out, okay?

7 MS. INGLE: Okay.

8 MR. VALOIS: Thanks.

9 BY MS. INGLE:

10 Q Okay. You should be able to see this video.

11 A Yes. Yes.

12 Q This the woman that woman that Stephanie
13 approached?

14 A Mm-hmm.

15 Q You understand she came back into the store
16 after Stephanie approached her?

17 A Yeah. Yes.

18 MS. INGLE: Going to mark this as
19 Exhibit 14.

20 (Exhibit 14 was marked for
21 identification.)

22 BY MS. INGLE:

23 Q Do -- this video?

24 MR. VALOIS: Well, Bethany? Let me
25 move. I've got to move that a little window out of

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1 the way on this one. One second. All right. I think
2 we're in good shape.

3 BY MS. INGLE:

4 Q Is this the customer that Stephanie
5 approached?

6 A Mm-hmm.

7 Q Is this the Customer Service area of the
8 store?

9 A Yes.

10 Q Do you know, is she talking to Stephanie
11 right now?

12 A I am not sure. I'm assuming, because it
13 looked like they both having hand gestures or stuff.
14 Might have been talking to both of them.

15 MS. INGLE: This marked as Exhibit 15.
16 (Exhibit 15 was marked for
17 identification.)

18 BY MS. INGLE:

19 Q Do you see this video?

20 A Yes.

21 Q Do you recognize the woman that Stephanie
22 approached in this video?

23 A Yes.

24 Q This is the only camera angle you will have
25 over the self-checkout lanes at this particular Wal-

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1 Mart store, so that they -- were these the only
2 cameras that --

3 A When I --

4 Q -- you worked there?

5 A -- yeah. But I thought there was one over
6 the top of the registers, but I could be wrong. I
7 think they might have been just at the other check --
8 self-checkout instead of the -- we call those the
9 conveyor belt self-checkouts, but I thought that was -
10 - there was cameras over top of those, but I'm -- I
11 can't remember if there was or not. Yep. Mm-hmm.

12 MR. VALOIS: Yeah. That's not there
13 anymore. That's not there anymore.

14 THE WITNESS: They were making sure
15 everybody got their stuff.

16 (Exhibit 16 was marked for
17 identification.)

18 BY MS. INGLE:

19 Q Looking at this video and the items -- what
20 we can see on the screen here --

21 A Mm-hmm.

22 Q -- everything on the conveyor belt, do you
23 see anything that strikes you as a big ticket item?

24 A Maybe that first -- was it scooter or
25 something like that, might be considered a big ticket

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1 item. Well see, like, some of this, I don't know what
2 the price is on it. If anything, it would be the
3 scooter, because it's not in a bag, but then, you got
4 all these toys. I don't know, because some of those
5 toys could be expensive. So, I don't know what
6 alerted them to it or not.

7 **Q When you say you don't what "alerted" --**

8 A Yeah. I don't have nothing to do what they
9 doing up here.

10 **Q -- do you know if Stephanie saw anything**
11 **herself or someone told Stephanie they saw something?**

12 A I -- I have no idea if -- I mean, all I
13 remember Stephanie saying, one of her cashiers told
14 her and I'm like, "Well," like I said, "I don't have
15 nothing to do with it." I'm out front so I don't see
16 anything.

17 **Q After this incident with Stephanie, did you**
18 **do anything to report what had happened with this**
19 **customer?**

20 A No, because I didn't think it was nothing to
21 report. I mean, I had -- basically, I just went out
22 there -- if there's any kind of confrontation with an
23 employee and a customer, I -- they use me, because I'm
24 the big black scary man to calm the customers down.
25 Anytime that they have a customer being rude, loud,

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1 they always call me up front and I -- my job is to
2 observe to make sure that the employee is in a safe
3 manner; if they have a customer being rude, loud to
4 them.

5 Q Did you choose to go over to the vehicle
6 with Stephanie after pointing out the customer to her?

7 A Say what, now?

8 Q Did you choose to go over to the vehicle
9 with Stephanie after pointing the customer out to her?

10 A Yeah. I made -- I had to observe to make
11 sure that the employee is safe. When she went to the
12 car, I told her I cannot get involved and I can't say
13 anything, but I can be here just in case she tries to
14 get loud, unruly with her. I am there, but that's --
15 my job is to observe and -- protection of the store
16 and customers, and employees.

17 Q Did Stephanie ever ask you to come with her?

18 A Yes. She did.

19 Q You said they ask you to be there whenever
20 customers are being upset, because you're the big
21 black scary man, but has anybody ever told you that?

22 A Yeah. Actually, as in what customers or
23 employees? Because every time -- they never told me -
24 - they never told me that, but every time that there's
25 something going on with anybody of color in the store,

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1 they always called me. If there's -- there has been
2 multiple times where I'm actually following a
3 shoplifter -- a white male or female, if the Manager
4 see somebody they don't like, they'll call me and say,
5 "Hey, I got one for you." I'm like, "I'm already on
6 something," you know, because I'm the only AP guy.
7 "I'm on a sure thing." They will pull me off of that
8 person to go follow the black people and then, guess
9 what? The black people pay for everything. The
10 person that I was watching, the white female, or the
11 white male, walks out with a bag full of stuff. They
12 do it all the time.

13 Q Okay. You say, "They do it all the time."
14 Who is they?

15 A Every -- Store Managers. Like I said, Mike
16 Hildreth. Because Mike Hildreth used to be AP. He
17 worked AP for maybe about three months, then he went
18 into management. Mike Berry does it. Ryan Fisher
19 does it. When Mr. Hornsby was there, he did it. If
20 they saw somebody that looked like -- that were black,
21 they looked like they were going to steal, they would
22 call me to go follow them. And if I'm on somebody
23 that I know that's stealing, that I've actually got
24 all the elements, they will pull me off of that one,
25 just to follow the black man.

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1 Q How do you know that's what they were doing?

2 A It was obvious. I mean --

3 Q How is it obvious?

4 A -- I'm following a white person. They call
5 me. "AP Corey. I got two black females over here in
6 electronics." "Okay. I'm on somebody right now."
7 "No. I know these people are going to get something.
8 I know. You need to get on them, now. Let that --
9 don't worry about -- get on this one." So I go follow
10 the black females, for example. They didn't steal
11 nothing. They paid for everything they had, but the
12 white girl I was watching, purse was full of stuff
13 that I seen her conceal. And she goes out the --

14 Q Did you tell them that --

15 A -- as --

16 Q -- "I'm watching a white woman with a purse
17 full of stuff steal stuff?"

18 A -- no. I tell -- I don't tell them I'm
19 watching a white woman. I tell them, "I'm watching
20 somebody. I got a sure thing. I got concealment. I
21 got everything. I'm just waiting for her to go to the
22 front of the store." They will tell me, "No. This is
23 a sure thing. Come out here. Come watch them. Come
24 watch them," when they know that I got -- got this
25 person dead to rights. All I got to do is wait for

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1 them to go to the last point of sales and I stop them.
2 They would pull me off of that to follow people of
3 color in the store.

4 **Q But how do you know that they didn't see**
5 **somebody conceal something?**

6 A Because they walking in there with an empty
7 basket. They just walked in the store. I see how --

8 **Q How do you know that?**

9 A -- because -- because there's been time,
10 I've watched somebody in the woman's department where
11 I can see the entrance of the door, and I can -- seen
12 somebody comes in and I knew -- I know, they would
13 call, "Hey, AP Corey, we got this one person," when I
14 seen that person walk by and I'm like, "They don't
15 have nothing in they hands. They just walked in the
16 store." I said, "I'm watching somebody right now."
17 "No. They going to get -- it's a sure thing. Trust
18 me. Go follow them." That's my boss, my manager, so
19 I got to do what he tells me to do.

20 **Q So, when you say your boss, your manager,**
21 **who are you talking about?**

22 A Mike Hildreth, Mike Berry, Ryan Fisher.

23 **Q Okay. So give me an example of Mike**
24 **Hildreth -- is that the name you're saying?**

25 A Yes.

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1 Q Mike Hildreth?

2 A Yes.

3 Q Just give me an example of specific time
4 when he did that.

5 A There's a time when all three of them -- I
6 can give you a perfect example with all three of them
7 together. They all three --

8 Q The date. Can you give me a date when --

9 A -- I have no date.

10 Q -- they did any of these things?

11 A I have no dates. They do it all the time.
12 There's no way possible I could give you a specific
13 date.

14 Q I need -- I need any dates. I need to know
15 exactly when this happened. Because this is the first
16 time we're hearing about this.

17 A Well --

18 MR. VALOIS: Well, objection to the
19 form of the question. He's not here to give you all
20 you need. He's here to -- truth, so -- but he can
21 answer your question, he just -- I believe he's
22 already said that he doesn't -- that he can't give you
23 exact dates.

24 THE REPORTER: Sir, I cannot hear your
25 objection.

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1 MR. VALOIS: Oh, I'm sorry. The
2 microphone on this laptop is bad. I said the
3 objection is is that he can't testify to give you what
4 you need. He's can give you the truth and, if the
5 truth is that he doesn't remember the dates, that's
6 the truth.

7 MS. INGLE: So, there's got to be a
8 date if it actually happened. I need to know the date
9 it actually happened, if it actually happened.

10 THE WITNESS: -- I can give you -- I
11 mean, it happened on a Tuesday. I don't know the
12 exact date. It happened so many times, so many
13 different incidents, I cannot give you an exact date
14 of when it happened.

15 BY MS. INGLE:

16 Q So, can you give me a approximate number of
17 times it happened?

18 A My goodness. A lot. I'll just say, in a
19 two-month span, I've got -- I'm watching, let's say
20 about, 60 people in a two-month span. Out of that 60
21 people, probably about half.

22 Q So, I'm sorry. You're saying you're
23 watching 60 people in two-month span, and about half.
24 What do you mean by that?

25 A I'll be watching 60 people, and out of the

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1 30 -- out of the 60, they will pull me off of 30 of
2 them when I know I got a sure thing, somebody
3 stealing, to go follow people of color.

4 Q When you say, "People of color," what do you
5 mean by that?

6 A African Americans.

7 Q And when you say, "They," can you give me an
8 approximate number of times Mike Hildreth did this?

9 A If it was, let's say, 30 times, he would do
10 it maybe 17 out of the 30. Mike Berry would do
11 probably eight out of that, then, Brian Fisher would
12 call me and do -- I'll get eight out of that. So
13 anywhere that adds up to 30. Mostly it's -- because
14 Mike Berry would let me do me, but it was always --

15 Q Okay. What was that?

16 A Mike berry let me do my job. He
17 micromanaged a little bit, but he knew I could catch
18 shoplifters. I've got -- if you ask anybody in
19 Lynchburg, I am the number one Asset Protection guy in
20 Lynchburg. That's what I do. And Mike left me alone,
21 but whenever Mike got around Fisher or Hildreth, he
22 falls in with that little group, with them and then,
23 "Hey, I got one over here in HBA." I've had, like --

24 Q Could you give me any other --

25 A -- excuse me?

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1 Q -- can you tell us, like, what they actually
2 observed --

3 A Oh, they just, like --

4 Q -- personally?

5 A -- I have a guy that comes in. It's a black
6 guy, comes in, there's something mentally wrong with
7 him. Every time he comes in the store, they call me
8 to follow this guy. He hasn't -- I don't know if it's
9 a disease or anything, but he just busts out laughing.
10 Every time he comes in the store, they call me to
11 follow him and he never steals a thing. He pays for
12 everything he gets, every time he walks in the store
13 and he comes in the store probably three times a week.

14 Q Anytime though, that these managers called
15 you to follow people of color as you say, did you
16 catch anybody shoplifting?

17 A Sometimes, but most the time, no. Let's say
18 out of that 60 that I'm following and then, they bring
19 off the watch those 30, I'll probably catch two out of
20 those 30 people that are African Americans.

21 Q And is this just a hypothetical you're
22 giving me?

23 A Yeah.

24 Q Now, any of these Asset -- or I'm sorry, any
25 of these managers, they're AP-09 authorized

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1 associates, correct?

2 A Yes. All managers are.

3 Q Now, after the incident with the woman in
4 the pink jacket that we watched on videos, did you
5 have to write up any sort of report?

6 A I did write a statement after it happened.
7 Yes. When she wrote a letter to corporate of a
8 complaint, I had to write a statement.

9 Q Did anybody -- or let me ask you this. Did
10 Mike Berry ask you to write the statement?

11 A Yes.

12 Q Did you understand that there was an
13 investigation after she made the complaint?

14 A Yes. He called me in the office. He asked
15 me to pull it up on video. I did. He actually reads
16 the complaint letter to me. We both watched the
17 video. He's like, "Well, I just need you to write a
18 statement." He said, "You didn't do nothing wrong, so
19 I don't see what the problem is, but write a statement
20 anyway. So I wrote a statement and then, he asked me
21 to burn the footage. I burned the footage and then,
22 that was it.

23 Q Going back to the screen again, here. Are
24 you --

25 A Yes.

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1 Q Is this the statement that you provided
2 about the incident --

3 A Yes.

4 Q -- with the customer on the --

5 A Yes.

6 Q -- reading through it here. Did you ever
7 tell Stephanie that you didn't think she had anything
8 to worry about after the incident?

9 A I might have. I don't think so, but I might
10 have, because I didn't see where anything was wrong,
11 because, like I say again, I didn't stop her. But
12 Stephanie is a Customer Service Manager. She can do a
13 receipt check. There's been many times when people
14 did a receipt check, just -- and they, like, "Well,
15 thank you. Have a good day." Same thing. Stephanie
16 never said the girl was -- stole anything. Stephanie
17 asked to do a receipt check.

18 Q But here it says, "The female comes back in
19 the store being loud, trying to make a scene." Did
20 you actually observe her in person when she came back
21 into the store?

22 A I was standing outside. She walks by me,
23 she goes in, like, they show -- when you showed the
24 video. She was talking out loud and stuff outside,
25 and she walks in the store. I didn't see her once --

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1 after she walks into the store until she walks back
2 out. So what she did inside the store, I can't tell
3 you what she said or what she did, but when she walked
4 into the store at that time, she was being -- she was
5 upset. She was loud and she was upset.

6 **Q Do you know what her allegations against**
7 **Wal-Mart were in the letter she wrote?**

8 A I just know bits and pieces, what Mike Berry
9 read to me and, one thing that I knew for good, that
10 she said that it was a big black man standing back
11 there. He didn't say anything, but he looked very,
12 very intimidating. That's what Mike Berry read to me.

13 **Q Do you know the customer's race?**

14 A Yes. She was an African American.

15 **Q Did you find it offensive that she said that**
16 **about you in the complaint?**

17 A No, because I hear it all the time. My wife
18 says I'm big and scary.

19 MS. INGLE: If we could enter this
20 statement as Exhibit 17.

21 (Exhibit 17 was marked for
22 identification.)

23 BY MS. INGLE:

24 **Q At work, did Stephanie ever tell you that a**
25 **cashier had told her the description of the lady?**

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1 A Yes. That's what -- that's what -- when she
2 first approached me, Stephanie said one of her
3 cashier's said, "A lady in a pink shirt with two small
4 kid, a pink jacket, two small kids, didn't pay for all
5 their stuff." That's when I looked and said, "That's
6 the only one I've seen with a pink coat on with two
7 small kids." So, I assume Stephanie went back inside
8 and asked the cashier a better -- gave her a
9 description of what this lady had on, and then, that's
10 when Stephanie came back out and then, we walked up
11 there. So, what Stephanie went and asked the cashier,
12 I could not tell you. They came to me because, you
13 know, I'm standing out there and then, here it is a
14 black lady. Of course, they want me to go confront
15 her and that's when I told her --

16 Q Do you know --

17 A -- but I told them, I said --

18 Q -- but --

19 A -- "I can't confront her, because I didn't
20 see her do anything."

21 Q -- but Stephanie didn't ask you to confront
22 her. Did she?

23 A No. Stephanie asked for me to go with her
24 to walk down there.

25 Q She didn't ask you to confront the woman?

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1 A Nope.

2 Q Do you think Stephanie intended to confront
3 the woman?

4 A I'm assuming she was, because she wanted --
5 initiated all this.

6 Q Well, did you ever think to advise Stephanie
7 that she shouldn't go talk to the woman?

8 A No, because that's not my job to advise her
9 that. That -- she knows that she has -- she can go do
10 a receipt check. I'm not her supervisor. I mean,
11 she's the Customer Service Manager.

12 Q But she didn't actually see the woman take
13 anything or not pay for anything?

14 A I can't answer that.

15 Q But didn't she tell you that one of her
16 cashiers told her this woman didn't pay for something?

17 A She did say that.

18 Q So even if, hypothetically, the woman didn't
19 pay for anything, but no one -- well, let's say no one
20 who is AP authorized saw that, then, she couldn't be
21 stopped. Is that --

22 A Yeah. I can't stop her, but --

23 Q -- AP-09 policy?

24 A -- I can't stop her, but anybody can do a
25 receipt check. The guy working out there watering the

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1 flowers, he can go up to a person right there, "Can I
2 see your receipt? Thank you." And if it's stuff in
3 her bag that's stolen, he can't do nothing about it.
4 He can come back and tell me, and then, what I would
5 have to do is do an investigation and then, get PD
6 involved, because I didn't see it, but we have it on
7 camera.

8 Q Is it typical for people to go do receipt
9 checks as people are -- as customers are loading their
10 items into vehicles?

11 A If they have -- if they -- what's the word?
12 Had maybe somebody who didn't pay for something? Yes.
13 You have people that might -- didn't scan water. A
14 lot of people forget to scan dog food. Say, "Oh. He
15 didn't scan his dog food." They will go, "Hey," and
16 they just go, "Can I receive your receipt, please?"
17 Boom. "Hey, you didn't scan your dog food." "Oh. My
18 bad." He goes back in, scans it, pays. They do it
19 all the time.

20 Q Like the -- the big items you put under your
21 cart?

22 A Yeah. They do it -- yes, ma'am.

23 Q So, after you wrote this witness statement,
24 looks like it's dated May 15, 2020, did you continue
25 to work for Wal-Mart?

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1 A I did.

2 Q And how -- well, let me ask you this. When
3 were you terminated from Wal-Mart?

4 A On May the 21st.

5 Q And how were you informed of your
6 termination?

7 A They called me into the Management office.
8 Mike Berry tells me, he says, "Man, I hate to tell you
9 this." He said, "I think it's wrong, he said, "but
10 Connie and Seth said I had to terminate you for the
11 incident that happened on," I guess -- what? The 11th
12 or whatever. The day it happened. I'm like, "Okay.
13 Why am I getting terminated for something I didn't do?
14 This and that." He said, "I don't know." He said,
15 "This was the decision of Connie Morris and Seth
16 Harris. And then, Mike told me to call The Open Door
17 policy, if I wanted to fight the termination. So
18 that's when I called The Open Door. Then, Open Door
19 told me they couldn't do a complaint until I talked to
20 the Store Manager. The Store Manager refused to talk
21 to me, so I called back Open Door and told them that,
22 "I've called several times, I went there to talk to
23 him. He refuses to talk to me." So I called The Open
24 Door and told them everything that was going on.

25 Q So, was the Store Manager -- was it still

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1 **Ryan Fisher?**

2 A Yes, ma'am.

3 Q **Why did Open Door tell you you needed to**
4 **talk to the Store Manager?**

5 A I have no idea. They said before I can file
6 anything with them, I needed to talk to the Store
7 Manager. I went up to the store. I called several
8 times. He hung up on me twice, before I even said,
9 "Hello." And then, what -- I actually went up there
10 and he told me -- he said, he has nothing to say.

11 That I need to go through the proper channels of Open
12 Door. I'm like, "Okay." I said, "Open Door told me
13 to call and talk to [him]." He wouldn't even tell me
14 that. He had Mike Hildreth come out and tell me that.

15 Q **So, when you say, "Open Door," what -- how**
16 **did you make an Open Door complaint?**

17 A I went and called that I got terminated for
18 something I didn't do; for actually doing my job.

19 Q **Did you call that ethics number we talked**
20 **about earlier?**

21 A Yeah. And I had like four different people
22 call me back.

23 Q **And did they tell you -- who told you to**
24 **call or talk to the Store Manager?**

25 A The first person I talked to. I don't

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1 remember their name, but they told me to call it --
2 they told me I had to talk to the Store Manager first.

3 Q Do you remember the date when you first
4 called to make --

5 A It was probably -- probably May -- I think
6 it was May the 22nd. The next day. And that's when I
7 tried to call and talk to Mr. Fisher, then. Wouldn't
8 receive my call twice, hung up on me both times. So,
9 I go up to the store, refuses to speak to me.

10 Q I'm going to share my screen again. Mr.
11 Osborne, did you get a copy of this exit interview
12 form?

13 A I don't think I did. I might have. I don't
14 think I did, but that's -- yeah. He was the guy who
15 was an adjuster.

16 Q What was Justin's position?

17 A Assistant Manager.

18 Q And did he say anything when you were having
19 the termination discussion with Mike Berry?

20 A Nope. He was just in there for a witness.

21 Q Do you know if Mike was the one that writes
22 these manager comments on the exit interview form?

23 A Yes. Yes. Mike wrote that.

24 Q And you said he was the one to tell you to
25 file an Open Door complaint?

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1 A Yes.

2 Q Now, did you work on May 21st?

3 A For half a day. I worked for about --

4 Q Okay. You then --

5 A -- I worked for about four hours and then,
6 that's when he called me back and terminated me.

7 MS. INGLE: -- this as Exhibit 18.

8 (Exhibit 18 was marked for
9 identification.)

10 BY MS. INGLE:

11 Q Mr. Osborne, have you ever seen a copy of
12 your typed up Ethics Complaint?

13 A No. I have not seen it.

14 Q Give you a minute to look at this document.
15 Does this accurately describe the ethics complaint
16 that you had?

17 A [No audible response.]

18 Q Was that a, "Yes?"

19 A What was the question again?

20 Q This typed up Ethics Complaint, does it
21 accurately describe the ethics complaint you made?

22 A Yes.

23 Q You made it verbally on the phone. Is that
24 correct?

25 A That is correct.

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1 MS. INGLE: Enter this is Exhibit 19.
2 (Exhibit 19 was marked for
3 identification.)

4 BY MS. INGLE:

5 Q So, I think we already did talk about this
6 incident, where you said James Hornsby -- now, what
7 was his position?

8 A He was the District Manager.

9 Q Okay. So, he was in the office of Store
10 Manager, Ryan Fisher and James, who said, "I am glad I
11 have you two, now. You all can catch some of your
12 people. Jaylin Jackson was with me.

13 A Mm-hmm.

14 Q "This is Jaylin's second week of training."
15 That was the incident we talked about earlier when --

16 A Yes.

17 Q -- Jaylin started working in Asset
18 Protection.

19 A Yes, ma'am.

20 Q Then you say that you were terminated for --
21 "that you -- asked you if you had seen a customer --
22 matched." That's the end of the description. I think
23 it's missing a word here. "The CSM was outside the
24 grocery store on the sidewalk. Customer was asked for
25 a receipt." Says, "I never stopped her. I never

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1 spoke to her. The CSM said everything. I was in a
2 yellow vests and at the time, I was getting carts and
3 CSM came to me stating that the cashier told her this.
4 I said, 'I can't do anything about it because I didn't
5 witness it.' I told her that if I asked her for a
6 receipt, I would be fired." Did you tell Stephanie
7 that?

8 A I don't told her I would be fired. I told
9 her I couldn't ask for a receipt because -- well, I
10 might have been, because I will be -- I would be fired
11 if I asked for a receipt, not doing a stop. That's
12 why we never asked for receipts.

13 Q So, Asset Protection never asks for
14 receipts?

15 A No. We do not ask for receipts.

16 Q You say they fired you, but not Stephanie.
17 Do you know if they gave Stephanie any sort of
18 disciplinary action?

19 A I have no idea, but I know she's been
20 disciplined before, but I don't know they disciplined
21 her this time.

22 Q You say, "I feel like because I am a large
23 black man, they are discriminating against me."

24 A Yes.

25 Q Then there's another part to this where you

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1 say your Store Manager never called you back. Three
2 days later, you went to the store. You asked the
3 coach if you could have a pay stub, any type of
4 paperwork you needed. Store Manager was there --

5 A Yeah. When I spoke to --

6 Q -- who --

7 A -- yeah. So, Rich -- while I was there, I
8 spoke to Coach Rich -- well, she wasn't Manager, but
9 now they call it, "Coaches" -- and to Co-Manager, Mike
10 Hildreth, and came up front and then -- because I
11 asked them, because I see Ryan. Ryan went through my
12 front, so I told him that I needed all subpoenas with
13 my names on it, so I would know to go to court and
14 then, all my write up paperwork, any kind of paperwork
15 dealing with Wal-Mart for disciplinary. They refused.
16 They said I could not have it. They said I could not
17 have the subpoenas when I got -- I think I got two
18 habeas, I'm not sure of the court, because they never
19 notified me that I had court cases. I went up to the
20 store -- I went to the jail first, to turn myself in,
21 but then they -- the judge dismissed it. And then, I
22 went to the store to ask for my subpoenas and Ryan
23 Fisher told me -- he said, "If you want your subpoenas
24 you need to get them subpoenaed."

25 Q Were subpoenas issued to the store or to

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1 **your residence?**

2 A They was issued to the store, but they --
3 they had my name on them, not Wal-Mart's name.

4 Q **And who was Connie Morris? What was her**
5 **position?**

6 A The District AP Manager.

7 Q **So, had you ever met her before?**

8 A Yes.

9 Q **Did Wal-Mart reply back to you following**
10 **your ethics complaint to let you know the status?**

11 A Somebody called me back. I can't remember -
12 - I know it was from Wal-Mart, but they just told me,
13 "We're looking into it," and I never heard anything
14 else back.

15 Q **Did they ever tell you the case was closed?**

16 A I don't remember if they did. I'm not 100
17 percent sure of that.

18 Q **You eventually filed a charge of**
19 **discrimination with the EEOC. Is that correct?**

20 A Yes, ma'am.

21 Q **Did you have any assistance in drafting your**
22 **charge of discrimination?**

23 A Any what?

24 Q **Assistance. Did anybody help you?**

25 A Oh, no. And -- nobody helped me besides my

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1 attorney.

2 Q Okay. You don't have to tell me anything
3 your attorney said to you, but I'm going to show you
4 this document and ask you a few questions about it.
5 Can you see the Charge of Discrimination?

6 A Yes.

7 Q Now, in the Charge of Discrimination, you
8 mentioned there were two positions for Asset
9 Protection Manager --

10 A Yes.

11 Q -- that were never posted.

12 A Yes.

13 Q And that two white males who worked outside
14 the company were hired for the position.

15 A One guy was working in the company. One guy
16 was outside the company. One guy was just a regular
17 floor stocker. They call them a, "Cat2 Stocker." And
18 then, the other guy was a former police officer.

19 Q Cat2 --

20 A Yes.

21 Q -- employee of Wal-Mart? What was his name?

22 A Tyler. That's all I know.

23 Q I'm sorry. What was that?

24 A His name is -- his name is Tyler. He's a AP
25 Manager; Tyler Beckert [ph], I believe.

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1 Q And the guy who used to work for a police
2 department, what was his name?

3 A Luke Robertson.

4 Q Now, did you ever tell anybody you wanted to
5 be an Asset Protection Manager?

6 A Oh, yeah. They knew it. I did everything.
7 And I told Mike Berry. I did Mike Berry's job for
8 him. Mike did not do anything. I should have been
9 the AP Manager of Wards Road Wal-Mart, because I did
10 everything. Mike would say, "Can you do this?" Stuff
11 that's not my job that is solely for the AP Managers -
12 - his job to do -- I did it for Mike. The weekly
13 reports that he had to do for OSHA. I did those.
14 Doing this, doing that. I did it. He would be off,
15 "Hey, man. Can you do this for me? I forgot." Of
16 course you forgot. You always forget every week. PD
17 would come in to speak -- when -- he got upset,
18 because when the police were called to speak to the AP
19 Manager, Mike would answer the phone, it was like,
20 "No. We need to speak to Corey," because I knew
21 everything that went on in the store.

22 Q So, did you ever tell Mike you wanted to be
23 Asset Protection Manager?

24 A Yes. Yes. I have told him that.

25 Q Did you ever tell Connie -- I'm sorry. Go

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1 **ahead.**

2 A Yes. I have told Mike. Never told Connie,
3 because I used my chain of command. Mike Berry's my
4 Manager. I told him. He should go tell Connie that,
5 "Hey. I got a guy who's over qualified -- that's
6 really qualified to do this job," instead of training
7 two other guys to do the job.

8 Q **Did you ever tell anybody, besides Mike that**
9 **you would like to be Asset Protection Manger?**

10 A No, because Mike is my Manager. That's who
11 I had to go through; my chain of command. Mike's my
12 chain -- is my chain of command.

13 MS. INGLE: Enter the Charge of
14 Discrimination as Exhibit 20.

15 (Exhibit 20 was marked for
16 identification.)

17 BY MS. INGLE:

18 Q **And here, in this charge, you mention the**
19 **incident may have occurred on or about May 11, 2020.**
20 **So we're talking about the incident that we saw in**
21 **video earlier. Is that correct?**

22 A Yes.

23 Q **And you say the customer complained that you**
24 **looked intimidating while the Customer Service Manager**
25 **was checking her receipt?**

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1 A Yes.

2 Q You say that was in the letter she wrote to
3 Wal-Mart?

4 A That's what Mike Berry told me.

5 Q You say on or about May 5, 2020, "The
6 Marketing Regional Store Manager said, 'I'm glad you
7 two are here now. You can start catching some of your
8 people." Is that the incident we talked about earlier
9 with Jaylin and --

10 A Yes.

11 Q -- Hornsby --

12 A Yes. Yes, ma'am.

13 Q -- Fisher?

14 A Yes ma'am. No. No. Yeah. Mr. Hornsby,
15 Mr. Fisher. Yes.

16 Q And you said here, "The Marketing Regional
17 Manager would make comments like, 'Your people are out
18 there stealing and your people out there acting a
19 fool,' or words to that effect." Who are you talking
20 about when you say Marketing Regional Manager?

21 A That'd be James Hornsby. Yes. They called
22 him -- like, the Asset Protection Manager is called a,
23 "MAPM." And I don't know what the weird name they
24 have for the regional person.

25 Q When did Mr. Hornsby make these comments?

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1 A I don't know exact dates, but he's made
2 those comments.

3 Q Do you know did anybody else witness him
4 saying those words, those phrases?

5 A He had all the Store Managers right there.
6 Mike Berry, Mike Hildreth.

7 Q Do you know what he would have been
8 referring to in saying that?

9 A Excuse me? Referring --

10 Q Do you know what -- referring to in saying
11 that?

12 A -- I'm assuming, black people. "Your
13 people." I'm black, so. So, he probably said, "Your
14 people."

15 Q Okay. So I understand that you didn't
16 pursue the EEOC charge, eventually. That got
17 withdrawn. Is that correct?

18 A Excuse me?

19 Q I understand you didn't pursue the EEOC
20 charge. Eventually, that got withdrawn and you
21 decided to pursue a lawsuit. Is that correct?

22 A Yes.

23 Q See a copy of this -- have you reviewed the
24 Complaint in this case, the document that was filed in
25 Federal Court? Have you seen this document before,

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1 **Mr. Osborne?**

2 A Yes.

3 MS. INGLE: And mark this as 21.

4 (Exhibit 21 was marked for

5 identification.)

6 BY MS. INGLE:

7 Q I wanted to ask you about a few specific
8 paragraphs in your Complaint. The first is paragraph
9 13. It says that you engaged in protected activity
10 when you participated as a witness in a co-worker's
11 employment discrimination complaint. What does that
12 refer to?

13 A Oh, yeah. With Jaylin? When Jaylin came --
14 was upset when Mr. Hornsby made that comment, I'm a
15 witness to that.

16 Q Did Jaylin ever complain about that comment?

17 A He was right there when we both told Mike
18 Berry about it. Yes.

19 Q Do you know if Jaylin ever made a complaint
20 to Ethics, or --

21 A I --

22 Q anybody else besides Mike Berry?

23 A -- yeah. I would not know.

24 Q And in paragraph 15, here, you say, "The
25 workplace was permeated by anti-black, racist comments

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1 and jokes made by management employees." Is that what
2 you were telling me about earlier; those comments you
3 mentioned also in this paragraph, Ryan Fischer,
4 Michael Hildreth --

5 A Yes ma'am.

6 Q -- Hornsby. Is there anybody else --

7 A No, ma'am.

8 Q -- that -- comments from?

9 A No. They not that dumb to say it in front
10 of other people. They made that one mistake when they
11 said in front of Jaylin, but all the other times they
12 only said it to me.

13 Q And in paragraph 16, where you say that you
14 reported the anti-black, racist comments and jokes to
15 your supervisor, Michael Berry, is that the incident
16 where you and Jaylin --

17 A Yes.

18 Q -- said something to Michael Berry? Now,
19 did you --

20 A Yes.

21 Q -- so, that's just in reference to the
22 comments made to you and Jaylin by -- for Hildreth and
23 for Fisher?

24 A Yes.

25 Q I'm sorry. Mr. Hornsby and Mr. Fisher?

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1 A Yes.

2 Q Okay. Did you report anything else to Mike
3 Berry about feeling like you're getting pulled off
4 surveillance of --

5 A I told --

6 Q -- people that were stealing --

7 A -- yes. I had told Mike -- yes. I had told
8 Mike about that and Mike's been one -- he's one of
9 them that has pulled me off of them.

10 Q Did you complain to him about it?

11 A Yes. Like, you know, I tell them, "Some
12 black guy that's a sure thing. I seen her conceal it
13 and everything, but you all call me to follow this
14 one. This person didn't do absolutely nothing." And
15 they, "Oh, man. I could have sworn she was going to
16 get us for this." Like, they didn't get nothing.
17 They paid for everything they picked up. I said, "But
18 then I'll go back on video and show you." I said,
19 "Look. She's concealing it right now. Look. You see
20 me right there watching her?" Boom. You all --
21 that's when you all called me. I walk away. She
22 walks out the door with it.

23 Q Are there certain departments at the store
24 that require more attention because thefts are higher
25 in certain departments?

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1 A Yes.

2 Q **What departments are those?**

3 A HBA, infants, electronics. I mean, if it --
4 the shadow, it won't move, they will steal it. And it
5 just -- the whole store is a big thing, but -- HBA,
6 because most of that stuff, lotion, women's products,
7 females' clothing, electronics, automotive -- most of
8 the times when I'm getting called off something, I'm
9 in the woman's department watching somebody conceal,
10 because usually they put it in a purse.

11 Q **So, would you ever be called to then go,**
12 **maybe other -- in departments of products of higher**
13 **value, like electronics or automotive?**

14 A Say that again, please.

15 Q **Would you ever then be called away from the**
16 **women's products department to go, sort of, in**
17 **departments -- of higher value, like electronics or**
18 **automotive?**

19 A Well, yeah. But like I said, all of its
20 high theft and I only -- I wouldn't leave a -- I'm on
21 a sure thing. I got concealment. I got all the
22 elements, for somebody that just walked in. Just
23 because they're black, they call me off that to go
24 follow them, when I'm -- I got all the elements I need
25 right now to stop this person as soon as they go

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1 through the door. They see some black lady or black
2 dad come in, "I need you to come follow this person."
3 I would let them know that, "Hey, all I got to do is
4 stop this person at the door. She's got everything on
5 their person right now." "Hey, get off that one and
6 come to this one. This one is a sure thing. I'm
7 telling you." I'm, like, "Why am I leaving a sure
8 thing for what you think is a sure thing and, it turns
9 out, it's not," because the people they get me to
10 follow pay for their stuff?

11 Q Okay. And looks like in paragraph 20, here,
12 you say you don't approach vehicles in this paragraph.
13 Is that your position about approaching this customer
14 that made the complaint against Wal-Mart?

15 A Yes. In the video you showed, I did not
16 approach her or the vehicle. I'm back at least five
17 feet from her.

18 Q In paragraph 24, you talk about how Virginia
19 had issued multiple subpoenas for your appearance in
20 court to testify in cases involving your employment
21 with Wal-Mart.

22 A Yes.

23 Q And I'm assuming those were shoplifting
24 cases. Is that correct?

25 A That's correct.

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1 Q And you said the subpoenas had been served
2 on Wal-Mart?

3 A Yeah. The subpoenas were -- the Deputy
4 would come, bring it to Wal-Mart. Wal-Mart has to
5 have them signed for them or they would take them,
6 knowing I do not work there anymore. So they would
7 sign and take them and then, I have a court date I
8 have no idea of knowing. I have a police officer
9 calls me at home and say, "Hey, they got a habeas for
10 you, because you didn't show up for court today." I
11 didn't have court. So I go to do all the stuff down
12 at the jail at the barrister. Go to Wal-Mart. I talk
13 to Mr. Fisher there and I ask him, I say, "I need my
14 my subpoenas because, you know, I have habeas. I had
15 two knocked on me and I need my subpoenas." He said,
16 "Well, if you want your subpoenas, you need to get
17 them subpoenaed. They belong to Wal-Mart." And when
18 I actually talk to the Commonwealth Attorney -- they
19 and the judge -- he said, "That is not true. The
20 subpoenas actually belong to the State," but they are
21 to inform me of any court dates that any subpoenas
22 that come there or tell the Deputy I no longer work
23 there.

24 Q Now, did the AP-09 policy have a part of it
25 that dealt with -- for in-court appearances?

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1 A Yes. It does.

2 Q And -- I pulled this up on the screen here.

3 Do you understand this to be part of the AP-09 policy
4 that deals with court procedures?

5 A Yes. Yes.

6 Q Do you understand that if a subpoena was
7 received it was supposed to be submitted to Wal-Mart's
8 Legal Department?

9 A That all goes on Mike Berry. He is the
10 Manager, not me.

11 MS. INGLE: We can mark this as Exhibit
12 22.

13 (Exhibit 22 was marked for
14 identification.)

15 BY MS. INGLE:

16 Q And in paragraph 30, you mention that you
17 suffered severe emotional and psychological distress.
18 Have you treated with any medical providers for that?

19 A I went to the hospital. My -- Dr. Dobbins -
20 - that I went to the emergency room. They put me on
21 heart medication and then, I had -- I just got -- I
22 already had asthma, but they put me on -- my -- they
23 said that my blood pressure had skyrocketed.

24 Q Did you have any underlying heart conditions
25 before --

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1 A No.

2 Q -- terminating Wal-Mart?

3 A Nope.

4 Q You said you already had asthma. Is that
5 correct?

6 A Yeah. I had asthma, but I was -- last time
7 I went to this doctor, it was prior, probably, maybe
8 two months prior or something for asthma, he checked
9 everything. Everything was good. Then this happened
10 and then, Wal-Mart gives me a heart attack.

11 Q I'm sorry. What was the last part?

12 A I said, "Yeah. Then all the problems with
13 the heart, dealing with all the stress from Wal-Mart,
14 almost gave me a heart attack."

15 Q And so, what are you seeking as a result of
16 your lawsuit against Wal-Mart?

17 A What am I seeking?

18 Q Yeah. Like, what are you hoping to recover
19 as a result of your lawsuit against Wal-Mart?

20 A Damages and lost wages.

21 Q So, we'll talk about, I guess, the lost
22 wages portion. You found employment after your
23 termination for Wal-Mart, correct?

24 A Yeah. About four months later. I had a
25 vehicle repossessed. I had bills that were -- that

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1 were fall -- way behind because of the termination,
2 vehicle that needs to be repaired. I had to struggle
3 -- I had -- without a vehicle for a while. Had to
4 testify for free. I still was going to court for Wal-
5 Mart. They wouldn't pay me. I had to miss time from
6 work, drive from Lynchburg -- from Danville to
7 Lynchburg to come to court and then, drive back to
8 Danville to go to work. I didn't get paid for
9 mileage, time I missed for work, nothing.

10 **Q And you found employment with -- was it,**
11 **Allied Security after --**

12 A Yes, ma'am.

13 **Q -- Wal-Mart?**

14 A Yes, ma'am.

15 **Q When did you secure employment with Allied?**

16 A In September.

17 **Q Of 2020?**

18 A Yes.

19 **Q And what was your position there?**

20 A Just a Security Guard.

21 **Q Where were you a Security Guard?**

22 A I was at two locations. I was at the VEC in
23 Danville for two and a half months and then, I went to
24 the VEC in South Boston for the -- I think, the last
25 five months.

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1 Q So you said the DMV, initially?

2 A VEC.

3 Q VEC, as in Virginia Employment Commission?

4 A Yes, ma'am.

5 Q Okay. So it -- Allied contracted with the
6 State to provide security at its State agencies?

7 A Yes. And so --

8 Q Did you get unemployment -- oh, I'm sorry.

9 A -- I had to commute all the way from
10 Lynchburg to Danville every day and round trip, and
11 then, that made one of my vehicles, it -- motor went
12 to one of my vehicles, so then, I had to take my
13 daughter's vehicle, use hers, and then, the
14 transmission went in hers.

15 Q That's when you were commuting --

16 A Yes.

17 Q -- Danville?

18 A To Danville and then, to Boston. Yes.

19 Q Now, did you apply for unemployment benefits
20 after your termination from Wal-Mart?

21 A Yes. I did.

22 Q Did you get those?

23 A Yeah. Five months later.

24 Q Why do you think it took so long to get
25 those?

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1 A It was in the pandemic.

2 Q VEC was slow at that time?

3 A Oh, yeah -- yep.

4 Q And when you worked for Allied, what did --
5 what were your earnings?

6 A Excuse me?

7 Q How much did you make? What were your
8 earnings with Allied? How much did you make per hour?

9 A \$14.00 an hour.

10 Q I'm sorry. What was that?

11 A \$14.00 an hour.

12 Q Okay. And why did you leave Allied?

13 A I got a new job in Arrow.

14 Q So, was your pay always \$14.00 an hour when
15 you work at Allied?

16 A It was 14 then it went to 17 and then, it
17 dropped down to 15, because they lost a --

18 Q Did it -- oh, no. I'm sorry. Go ahead.

19 A -- they lost the contract with the VECs, so
20 I was unemployed for two weeks and then, they brought
21 me back on, but then, they gave -- they did a pay cut.

22 Q When did you start looking for work after
23 your termination from Wal-Mart?

24 A That Monday.

25 Q So the Monday right after --

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1 A Yes.

2 Q -- termination?

3 A Yes.

4 Q Screen again here, looking at Interrogatory
5 number 15 that we sent you asking about your efforts
6 to obtain employment after you were separated from
7 employment with Wal-Mart, and you listed some
8 employers here, a G4S Technology in June, 2020, Allied
9 Universal Security Services, which is where I
10 understand you worked for some time.

11 A Mm-hmm.

12 Q Arrow Solutions, which is where you work now
13 from what I understand and then, it looks like you
14 reapplied to work for Sweet Briar. Is that correct?

15 A Yes.

16 Q Did you apply for any other jobs after your
17 termination from Wal-Mart?

18 A I applied for several -- several online. I
19 applied for the TSA at the airport. What else? What
20 was one? Verizon. I was going to try to sell cell
21 phones at -- and that was pretty much it. I applied
22 at Lowe's. I did apply for them, as well. Home
23 Depot, I did apply.

24 Q Another document, Mr. Osborne. Mr. Osborne,
25 is this an updated version of your resume?

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1 A As -- no. Because I haven't put down Arrow
2 Solutions yet.

3 Q Okay. Do you think you would have submitted
4 this before --

5 A Yeah.

6 Q -- you became employed there --

7 A Yes.

8 Q -- during your job search?

9 A Mm-hmm.

10 Q There a couple of jobs on here, I noticed, I
11 don't think we talked about earlier. Manpower
12 International?

13 A Yes.

14 Q What did you do there?

15 A It's a temp job. It's a temp service.

16 Q And what kind of work did you perform there?

17 A I went to wherever they sent me. One day I
18 was at a food processing place. One day I was doing
19 construction. They just send me to different jobs.
20 There was multiple stuff.

21 Q And then ERNC Security.

22 A Yes.

23 Q What was that?

24 A River Ridge Mall Security. They just
25 changed names.

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1 Q Was that -- okay.

2 MS. INGLE: Okay. Mark this as Exhibit

3 23.

4 (Exhibit 23 was marked for

5 identification.)

6 BY MS. INGLE:

7 Q So I know that you talked about having some
8 -- having to go on heart medication, elevated blood
9 pressure -- you said, asthma, but have you had any
10 what you'd call significant health events since May,
11 2020?

12 A Besides that? No. Before then? No.

13 Q Besides asthma, do you have any other kind
14 of chronic health conditions?

15 A No.

16 Q Have you ever applied for Social Security
17 Disability?

18 A No.

19 MS. INGLE: Those are all the questions
20 I have for you, Mr. Osborne. Your attorney has some,
21 no?

22 MR. VALOIS: Okay. Let me get this on
23 the record. Can you crouch in next to me?

24 THE WITNESS: Mm-hmm.

25 MR. VALOIS: Can -- Madame Court

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1 Reporter, can you hear both of us?

2 THE REPORTER: Yes, sir. I can.

3 MR. VALOIS: Thank you.

4 EXAMINATION

5 BY MR. VALOIS:

6 Q Mr. Osborne, did you have any contact with
7 the lady in the pink jacket?

8 A No.

9 Q Did you say any words to her?

10 A No. I did not.

11 Q Did you get closer than that five feet to
12 her at any time?

13 A No.

14 THE REPORTER: Okay. Sir, I cannot
15 hear you.

16 MR. VALOIS: Okay. Did you get the
17 question about the pink jacket?

18 THE REPORTER: Barely.

19 MR. VALOIS: Okay.

20 BY MR. VALOIS:

21 Q Mr. Osborne, did you ever get closer than
22 about five feet to this lady?

23 A No. I did not.

24 Q Was it your job to observe her?

25 A [Inaudible].

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1 THE REPORTER: I cannot hear Mr.
2 Osborne, now.

3 MR. VALOIS: You know what? This is --
4 we're going to -- we're just going to forget it. I'll
5 save it for trial, if necessary, but thanks. No
6 further questions.

7 THE REPORTER: Okay.

8 MS. INGLE: That's all I have.

9 MR. VALOIS: He'll read and sign,
10 please.

11 THE REPORTER: Okay.

12 MR. VALOIS: And Madame Court Reporter,
13 if you can do digital delivery, that would be ideal.

14 THE REPORTER: Okay.

15 MS. INGLE: We'd like digital, as well.

16 THE REPORTER: Standard okay for
17 everybody?

18 MS. INGLE: Mm-hmm. Yes. So, that's
19 good.

20 MR. VALOIS: I'll designate this as
21 confidential pursuant to the Protective Order, if
22 that's okay.

23 MS. INGLE: Yes. Yes. Many of the
24 exhibits were marked confidential, so we should -- so
25 -- well. Thank you for your time today, Mr. Osborne.

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1 MR. VALOIS: All right. Thank you.

2 Does that conclude the deposition?

3 MS. INGLE: It does. Thank you all for
4 your time.

5 THE WITNESS: Yes, ma'am. Thank you.

6 THE REPORTER: Everyone have a good
7 day.

8 (Signature reserved.)

9 (Whereupon, at 5:01 p.m., the
10 proceeding was concluded.)
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1 CERTIFICATE OF SHORTHAND/DIGITAL COURT REPORTER

2 COMMONWEALTH OF VIRGINIA:

3

4 I, Nicole M. Peals, Virginia Notary Public, do
5 hereby certify that the foregoing testimony was taken
6 before me at the time and place hereinbefore set
7 fourth; that the witness (es) were duly sworn to tell
8 the truth, the whole truth, and nothing but the truth,
9 that said testimony was taken by me electronically and
10 thereafter reduced to computer transcription, and I
11 certify that this is a true and accurate transcript to
12 the best of my ability.

13 I further certify that I am neither counsel for,
14 related to, nor employed by any of the parties to this
15 case and have no interest, financial or otherwise, in
16 its outcome. IN WITNESS WHEREOF, I have hereunto set
17 my hand and affixed my notarial seal this 18th day of
18 November, 2021.

19



20

Nicole M Peals

21

Notary Public Registration No. _778093_

22

My commission expires: _4/30/2022_

23

24 ☒ Review of the transcript was requested.

25

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: Corey J. Osborne, 11/18/2021

3 PAGE LINE CHANGE REASON

4 _____

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19 _____

20 I, Corey J. Osborne, have read the foregoing
21 transcript and hereby affix my signature that same is
22 true and correct, except as noted above.

23

24 _____

25 Corey J. Osborne

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COREY J. OSBORNE vs WAL-MART STORES EAST

Confidential

Corey J. Osborne on 11/18/2021

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